

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.903 of 2014

Ganesh Kumar, son of Late Shiv Mahato, Additional Deputy
Commissioner, East Singhbhum, Town Jamshedpur, P.O.-Bistupur,
P.S.-Bistupur, District-East Singhbhum Jharkhand

.... **Petitioner**

Versus

1. The State of Jharkhand;
2. Information Commissioner, Jharkhand State Information
Commission, Engineer Hostel No.3, HEC Campus, Dhurwa, P.O.-
Dhurwa, P.S.-Jagarnathpur, District-Ranchi, Jharkhand;
3. Deputy Commissioner, East Singhbhum, Jamshedpur, P.O.-
Bistupur, P.S.-Bistupur, District-East Singhbhum;
4. Bhola Prasad, son of Late Gowardhan Saw Daiguttu Cross Road
No.7, H.No.23 P.O.-Azad Nagar, P.S.-Azad Nagar, Mango, Town
Jamshedpur, District East Singhbhum, Jharkhand

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner	: Mr. Rohit Ranjan Sinha, Advocate
For the State	: Mr. Navneet Toppo, AC to GP-I
For the Resp. No.2	: Mr. Sanjoy Piprawall, Advocate
	Mr. Rakesh Ranjan, Advocate
For the Resp. No.4	: Mrs. Amrita Sinha, Advocate

15/Dated: 17.01.2025

1. This writ petition filed under Article 226 of the Constitution of India is directed against the order dated 26.08.2013 passed by the State Information Commission, whereby and whereunder, the penalty under Section 20(1)(2) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act, 2005') as imposed upon the petitioner, has been questioned.
2. The brief facts of the case, as per the pleading made in the writ petition, are required to be enumerated, which read as under:-

(i) It is the case of the petitioner that he was posted as Addl. Deputy Commissioner, since 23.02.2012 in the office of Deputy Commissioner, East Singhbhum, Jamshedpur. The petitioner has been designated as Public Information Officer in terms of letter no.3047 dated 06.09.2005 issued by the Department of Personnel, Administrative Reform and Official Language, Govt. of Jharkhand for the purpose of providing information to the persons seeking information.

(ii) The respondent no.4, vide his application dated 10.11.2010 addressed to the respondent no.3 expressed his grievance related to mutation appeal no.04 of 2005-06 dated 10.12.2007 pending before the Land Reforms Deputy Collector, East Singhbhum, Jamshedpur against the order of Circle Officer, Jamshedpur and sought information about his letter dated 10.11.2010 and 02.12.2010. Since the matter related to Circle Officer, on receipt of letter dated 02.12.2011 under the Act, the then Addl. Deputy Commissioner cum Public Information Officer vide his letter no.2470 dated 09.12.2011 transmitted the application to the Circle Officer, Jamshedpur cum Public Information Officer under Section 6(3) of the Act, 2005 with a copy to the respondent no.4 and also informing him that the Public Information Officer in respect of his case was Circle Officer, Jamshedpur and the first appellate authority at the relevant time was Sub Divisional Officer, Dhalbhum, Jamshedpur and the applicant was advised to obtain the required information by approaching the aforesaid officials. In terms of letter no.2470 dated 09.12.2011, the

Circle Officer, Jamshedpur cum Public Information Officer, Jamshedpur supplied the information to the respondent no.4 and forwarded the copy of the same to the then Addl. Deputy Commissioner, East Singhbhum, Jamshedpur.

(iii) In spite of furnishing the information by the competent Public Information Officer, the respondent no.4 without approaching the competent authority, has filed a second appeal before the Chief Information Commissioner, Jharkhand State Information Commission.

(iv) On receipt of the same from the respondent no.2, the Commission through its Deputy Secretary vide letter no.6432 dated 19.07.2012 directed the petitioner to provide information to the respondent no.4 and submit explanation on 03.09.2012 failing which ex parte order shall be passed. Thereafter, the petitioner had also directed the Circle Officer cum Public Information Officer, Jamshedpur to comply with the directions of the respondent no.2. The Circle Officer cum Public Information Officer, Jamshedpur complied with the direction of the respondent no.2.

(v) It is the further case of the petitioner that the respondent no.4 vide his petition dated 05.11.2012 made a representation to the petitioner fully knowing that the Public Information Officer in his case, was the Circle Officer, Jamshedpur.

(vi) The petitioner, thereafter, has forwarded the representation dated 05.11.2012 of the respondent no.4 to the appropriate Public Information Officer for disposal of objections of the respondent no.4

and ensure furnishing required information.

(vii) The respondent no.2 vide order dated 29.05.2013 directed the petitioner to redress the grievance of the respondent no.4 and supply the information and submit explanation as to why punitive order be not passed for delay supply of information. Thereafter, the Circle Officer cum Public Information Officer, vide his letter no.1489 dated 22.08.2013 reported compliance of order dated 29.05.2013 passed by the respondent no.2 and reported the same to the Deputy Secretary (Incharge), State Information Commission, Jharkhand, Ranchi

(viii) The respondent no.4 vide his letter dated 16.08.2013 addressed to the petitioner made representation against the information supplied to him by the appropriate Public Information Officer, i.e., the Circle Officer, Jamshedpur. The petitioner being not the Public Information Officer nor the appellate authority, forwarded the letter dated 16.08.2013 of the respondent no.4 to the Circle Officer, Jamshedpur vide his letter dated 1536 dated 22.08.2013 with a copy to the respondent no.4 for addressing the grievance to the respondent no.4.

(viii) In proceeding dated 26.08.2013, both the parties presented before the learned Information Commissioner and the Information Commissioner has found the explanations unsatisfactory, therefore, while rejecting the explanations, the Information Commissioner was pleased to hold that the petitioner is not committed to supplying the information under the Act in the capacity of the Public Information

Officer and has violated the law and the Information Commissioner was further pleased to impose penalty @ Rs.250 per day total amounting to Rs.25,000/- and directed the respondent no.3 to recover the same in five installments @ Rs.5,000/- per month from the salary of the petitioner. Being aggrieved with the same, the petitioner preferred review petition being Review Petition No.10 of 2013 and the same was disposed of vide order dated 23.12.2013 by the Chief Information Commissioner stating that the Act does not provide jurisdiction to review to the Commission of its own order by the State Information Commission if any order is passed on merit imposing penalty or otherwise.

3. It is evident from the factual aspect that the writ petitioner, while holding the post of Additional Deputy Commissioner, was issued with a show cause notice from the State Information Commission before taking action under Section 20(1) of the Act, 2005. The occasion to issue such notice was the duty, which has been casted as under the Act, 2005 in furnishing information to the Information Seeker, the respondent no.4, has not been complied with and finally the matter travelled upto the stage of second appeal in the light of second proviso to Section 19 of the Right to Information Act, 2005.

4. The Information Commission has passed order casting liability upon the writ petitioner of penalty to extent of Rs.25,000/-. The said order is impugned in this writ petition.

5. The grounds have been taken on behalf of the petitioner that it

is a case where the writ petitioner during the relevant time, was not the Public Information Officer, rather, his duty can only be said to the extent of deemed Public Information Officer, since, the Information Seeker has made an application before him for the purpose of getting information, as required by him.

6. It has been contended that the moment, he has received the application he, in the capacity of deemed Public Information Officer and in order to provide information, as has been sought for by the Information Seeker, has forwarded the said application before the Circle Officer who actually was the Information Officer during the relevant time, as per the notification issued to that effect by the competent authority of the State Government.

7. The ground has been taken that even though, the petitioner during the relevant time, was not the Public Information Officer but he has been penalized in view of the power conferred under Section 20(1) of the Act, 2005 instead of also issuing notice to the Circle Officer as to why the delay has been caused in supplying such information to the Information Seeker.

8. The ground has also been taken by making reference of the impugned order, wherein, if the Information Commission has made reference that it is the accountability of the Public Information Officer, i.e., the Circle officer of the concerned Circle who since has not supplied the Information within the stipulated time as provided under Section 5 of the Act, 2005, i.e., within the period of 30 days and as such, the requirement to initiate the proceeding under Section 20(1)

of the Act, 2005 is there but the show cause notice was issued to the present petitioner, who during the relevant time, at best can be said to function as deemed Public Information Officer.

9. Learned counsel for the petitioner has further submitted that the said show cause notice was issued on presumption of the fact that the present petitioner was also the ex-officio Public Information Officer as per the mandate of the Act, 2005. But actually, the present petitioner was not authorized to act as the Public Information Officer and at best, he can be said to be deemed Public Information Officer on the basis of the fact that the Information Seeker instead of making application before the Circle Officer, the Public Information Officer, has made application before the Additional Deputy Commissioner.

10. Learned counsel has also submitted that the State Information Commission, in order to reach to the rightful conclusion ought to have issued notice also to the Circle Officer for the purpose of casting liability upon the erring official, as to who is the functionary, has flouted the statutory command as provided under the Act, 2005.

11. Learned counsel, based upon the aforesaid grounds, has submitted that it is a case where the impugned order requires interference.

12. While, on the other hand, Mr. Sanjoy Piprawall, learned counsel for the respondent-State Information Commission by defending the impugned order has submitted that there is no error therein, reason being that, the writ petitioner has never brought to the notice of the State Information Commission that he was not the

Public Information Officer.

13. It has been contended that unless the State Information Commission came to know about the status of the present writ petitioner regarding the fact that he has not been notified to act as the Public Information Officer, therefore, the order cannot be said to suffer from an error in absence of the said fact which has not been brought to the notice by the petitioner before the State Information Commission, hence, the impugned order cannot be said to suffer from an error and as such, it is not a case where the Writ of Certiorari is to be issued.

14. This Court has heard the learned counsel for the parties and gone across the material available in the impugned order as also the paper book.

15. This Court, before entering into the legality and propriety of the impugned order, needs to refer the very object of the Right to Information Act, 2005 and the relevant provisions which are necessary to be referred herein for proper consideration of the *lis*.

16. The said Act came into effect on 15th June, 2005, and is hereby published for general information. The Right to Information Act is an Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or

incidental thereto.

17. Now, it requires to refer the relevant provisions of the Act, which read as under:-

“5. Designation of Public Information Officers.-(1)

Every public authority shall, within one hundred days of the enactment of this Act, designate as may officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be.

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the

case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be."

7. Disposal of request.-(1) *Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request,*

either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be, fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall be deemed to have refused the request.

(3) Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving-

Xxxx xxxx xxxx xxxx xxxx

(4) Where access to the record or a part thereof is required to be provided under this Act and the person to whom access is to be provided is sensorily disabled, the Central Information Officer or State Public Information Officer, as the case may be, shall provide assistance to enable access to the information, including providing such assistance as may be appropriate for the inspection.

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed:

Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request,-

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejection

may be preferred; and

(iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which, it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question."

18. It is evident from the provision as referred hereinabove, i.e., Section 5 wherein under the definition part, the Public Information Officer has been defined. The deemed definition of the Public Information Officer has also to be extracted for the purpose of objective implementation of the Act, 2005. Such object is paramount in view of the fact that the purpose and object of the Act, 2005 is to be achieved in its letter and spirit.

19. An application even if filed before any functionary higher than the Public Information Officer, if the Information Seeker is having no idea about the Public Information Officer since such notification is to be issued by the competent authority of the State Government, hence, it has been mandated under the Act, 2005 by fixing accountability upon the official before whom any application if filed by any Information Seeker, it is the bounden duty of such Officer concerned to immediately forward the same before the Public Information Officer so that the Public Information Officer be in a position to exercise jurisdiction by supplying the documents or information as have been sought by the Information Seeker.

20. The provision under Section 7 of the Act, 2005 is that in any

case the information to the Information Seeker is to be supplied within the period of 30 days. The provision is also there that if the information is not being supplied within the period of 30 days then the Information Seeker is to prefer an appeal before the Departmental Head said to be under the first proviso to Section 19 of the Act, 2005 and even if the information is not being provided then under the second provision to Section 19 said to be second appeal, the jurisdiction of the State Information Commission is to be invoked.

21. The State Information Commission has been conferred with the power as under Section 19 and Section 20. Section speaks about the order which is to be passed by the Information Commission by directing the Public authority to compensate the Information Seeker, while, Section 20(1) confers power upon the Information Commission to penalize economically maximum to the extent of Rs.25,000/- as also to make recommendation under sub-section (2) of Section 20 before the Departmental Head to initiate the departmental proceeding against the such P.I.O.

22. Section 20(1) provides that before taking such decision/action by penalizing to the extent of Rs.25,000/- to the Public Information Officer who if not provided the information within the stipulated time then before inflicting such penalty, an opportunity said to be reasonable in nature, is to be provided to the concerned Public Information Officer whether the concerned officer has received the application said to be deemed Public Information Officer or the actual Public Information Officer who has been notified to act as the Public

Information Officer.

23. Adverting to the factual of the present case, herein the application has been filed by the Information Seeker, the respondent no.4 before the Additional Deputy Commissioner. It is the admitted case of the present petitioner as also the learned counsel for the State Information Commission that the Additional Deputy Commissioner was not the Public Information Officer, rather, his duty as per the statutory command as available under Section 5 of the Act, 2005 is also to be dealt with by the Information Commission under the implied meaning of the 'Public Information Officer' said to be acted as a deemed Public Information Officer by virtue of the fact that he has received the application by the Information Seeker.

24. The contention of the learned counsel for the petitioner is that he, immediately after receipt of the application by the Information Seeker, has forwarded the same to the Circle Officer who has been notified to act as the Public Information Officer in addition to the substantive post of Circle Officer. The document to that effect has been appended.

25. The grievance of the present petitioner is that even though, he is not discharging the duty of the Public Information Officer in the capacity of holding the post of Addl. Deputy Commissioner, rather, the Circle Officer has been notified to act as a Public Information officer but even then, he has been penalized by invoking the power conferred under Section 20(1) of the Act, 2005.

26. The further contention is that whatever may be the conclusion,

if the Information Commission has come to the conclusion that the Information which was furnished to the Information Seeker by the Circle Officer but with the delay, then, it was incumbent upon the Information Commission also to issue notice to the Circle Officer in addition to the notice issued to the Public Information Officer.

27. Mr. Sanjoy Piprawall, learned counsel for the State Information Commission, has argued that the fact about deemed Public Information Officer has never been brought to the notice of the Information Commission and as such, it is incorrect on the part of the petitioner to take the ground that there is no consideration of the point which has been raised by him in his defence before the Information Commission.

28. This Court, on appreciation of the rival submission and in order to assess the same, has come to the order impugned in order to see as to whether the Information Commission, was having any idea about the functioning in the capacity of the Public Information Officer by the petitioner or not?

29. It is evident from the 2nd paragraph of the impugned order, wherein, the Information Commission itself has referred that the Information which was supplied by the Circle Officer with delay, on which, the Information Seeker was not satisfied with the same and that led the Information Commission in issuing notice under Section 20(1) of the Act, 2005.

30. The question is that when the Information Commission has taken the reference of supplying the information which admittedly

has been supplied by the Circle Officer, then notice also ought to have been issued to the Circle Officer in order to come to the conclusion as to who is at default in not following the statutory mandate as provided under Section 7 of the Act, 2005.

31. This Court, is conscious that the statutory command as provided under Section 7, in any circumstances, is to be followed and for the aforesaid purpose by way of deterrent measure, the provision has been made under Sections 19 and 20(1) (2) of the Act, 2005. But, that does not mean that the Information Commission without applying the mind will issue notice to any of the officials without knowing the fact that who actually was conferred with the power to act as a Public Information Officer by virtue of issuance of notification by the State Government.

32. The fact about Circle Officer being the Public Information Officer is not in dispute as also the fact about duty which was assigned to the petitioner, in the capacity of posting as the Addl. Deputy Commissioner, and in that capacity, he was the recipient of the complaint for the purpose of supply of information, has also not been disputed. Therefore, this Court is of the view that for the purpose of achieving the object of the Act and to maintain the provision of Section 20(1) by way of deterrent measure, a notice ought to have been issued to the Addl. Deputy Commissioner, the present petitioner and the Circle Officer in order to assess that who is at fault.

33. But, herein, no notice was issued to the Circle Officer, even

though, the Information Commission has referred that the Information which has been furnished, was not up to the satisfaction of the Information Seeker and as such, a notice is required to be issued to the Circle Officer.

34. The Information Commission was well conscious on the basis of the document available on record that it is the Circle Officer who has supplied the relevant information, as would be evident from the communication dated 22.08.2013 addressed to the under Secretary (Incharge), State Information Commission, Jharkhand, Ranchi.

35. The aforesaid fact of supply of relevant information by the Circle Officer was well available in the record but even then the Circle Officer has not been issued notice.

36. This Court, in view thereof needs to refer the principle which is to be exercised in issuance of Writ of Certiorari, as has been laid down by the Hon'ble Apex Court in the case of **Syed Yakoob vs. K.S. Radhakrishnan and Ors., A.I.R. 1964 Supreme Court 477.**

The relevant paragraph of the said judgment is being reproduced hereinbelow:

“The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Art. 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals : these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal Acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by

*the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Art. 226 to issue a writ of certiorari can be legitimately exercised (vide *Hari Vishnu Kamath v. Ahmad Ishaque*, 1955-1 SCR 1104 : ((S) AIR 1955 SC 233); *Nagendra Nath v. Commr. Of Hills Division*, 1958 SCR 1240 : (AIR 1958 SC 398) and *Kaushalya Devi v. Bachittar Singh*, AIR 1960 SC 1168.*

37. In *Hari Vishnu Kamath vs. Ahmad Ishaque and Ors.*, AIR 1955 Supreme Court 233, the Hon'ble Supreme Court has held as hereunder in paragraph no.21:

“.....to the character and scope of the writ of certiorari and the conditions under which it can be issued, the following propositions may be taken as established: (1) Certiorari will be issued for correcting errors of jurisdiction, as when an inferior Court or

Tribunal acts without jurisdiction or in excess of it, or fails to exercise it. (2) Writ of certiorari will also be issued when the Court or Tribunal acts illegally in the exercise of its undoubted jurisdiction, as when it decides without giving an opportunity to the parties to be heard, or violates the principles of natural justice. (3) The Court issuing a writ of certiorari acts in exercise of a supervisory and not appellate jurisdiction. One consequence of this is that the Court will not review findings of fact reached by the inferior Court or Tribunal even if they be erroneous. This is on the principle that a Court which has jurisdiction over a subject-matter has jurisdiction to decide wrong as well as right, and when the Legislature does not choose to confer a right of appeal against that decision, it would be defeating its purpose and policy, if a superior Court were to rehear the case on the evidence and substitute its own findings in certiorari.”

38. In ***Sawarn Singh and Anr. vs. State of Punjab and Ors., (1976) 2 SCC 868*** their Lordships, while discussing the power of writ under Article 226 of the Constitution of India for issuance of writ of certiorari, has been pleased to hold at paragraph nos.12 and 13 as hereunder:

“12. Before dealing with the contentions canvassed, it will be useful to notice the general principles indicating the limits of the jurisdiction of the certiorari jurisdiction can be exercised only for correcting errors of jurisdiction committed by inferior courts or tribunals. A writ of certiorari can be issued only in the exercise of supervisory jurisdiction which is different from appellate jurisdiction. The Court exercising special jurisdiction under Article 226 is not entitled to act as an appellate Court. As was pointed out by this Court in Syed Yakoob's case (supra)

13. In regard to a finding of fact recorded by an inferior tribunal, a writ of certiorari can be issued only if in recording such a finding, the tribunal has acted on evidence which is legally inadmissible, or has refused to admit admissible evidence, or if the finding is not supported by any evidence at all, because in such cases the error amounts to an error of law. The writ jurisdiction extends only to cases where orders are passed by inferior courts or tribunals in excess of their jurisdiction or

as a result of their refusal to exercise jurisdiction vested in them or they act illegally or improperly in the exercise of their jurisdiction causing grave miscarriage of justice.”

39. This Court, after taking into consideration the fact as discussed hereinabove in entirety and as per the settled position of law, therefore, is of the view that the impugned order requires interference.

40. Accordingly, the impugned order dated 26.08.2013 passed in Appeal No.778 of 2012 by the Information Commissioner, Jharkhand State Information Commission is hereby, quashed and set aside.

41. In the result, the instant writ petition stands allowed.

42. The matter is remitted before the State Information Commission to pass fresh order after issuance of notice upon the concerned Addl. Deputy Commissioner and the Circle Officer.

43. This Court has not expressed anything on merit regarding the accountability either of the present petitioner or the Circle Officer, rather, the Information Commission based upon the record, is to take its independent decision.

(Sujit Narayan Prasad, J.)

Rohit/-**A.F.R.**