

**Court No. - 29**

**Case :-** WRIT - C No. - 23436 of 2013

**Petitioner :-** Husain Ahmad

**Respondent :-** State Of U.P. Thru Secy. And 6 Others

**Petitioner Counsel :-** S.N. Yadav

**Respondent Counsel :-** C.S.C.

**Hon'ble Sunil Ambwani,J.**

**Hon'ble Bharat Bhushan,J.**

1. We have heard learned counsel appearing for the petitioner. Learned Standing Counsel appears for the State respondents.
2. The petitioner claims to be a social worker and political person of District Mau. He has sought point-wise information under the Right to Information Act, 2005 regarding the system, rules and regulations of the institutions arrayed as respondent nos. 5, 6 and 7 (Madarsa Arabia Khairool Madaris, Madapur, Ghosi, District Mau; Madarsa Shamsul Ollom, Ghosi, District Mau and Madarsa Shamsul Ollom Nirwan, Ghosi, District Mau).
3. It is alleged that no response was given to the application dated 29.3.2010 for which the petitioner has given reminder on 19.5.2010.
4. The petitioner has filed an appeal on 22.6.2010 with the State Information Commission, which is still pending.
5. By this writ petition the petitioner has prayed for directions to the State Information Commission to decide the appeal dated 22.6.2011, within a stipulated time.
6. We are informed by the Standing Counsel that the State Information Commission is functioning with one Chief Information Commissioner and two Information Commissioners as against the ten sanctioned posts, and that there are more than 40,000 appeals pending at various stages as on 31.3.2013. About 200 applications/appeals are filed every day in the State Information Commission.
7. The appointment of the State Information Commissioners was held up on account of the orders passed by Hon'ble Supreme Court. The orders have since been vacated by Supreme Court and it is expected that the appointment will be made within next three months. In a Public Interest Litigation this Court has also directed the State Government to appoint the State Public Information

Commissioners within three months.

8. The petitioner has also not shown any urgency to give directions to the State Information Commission to decide his appeal expeditiously.

9. We further find that the petitioner does not have locus in seeking the information. In a Writ petition the Court may consider these questions. The locus and object of the information is not required to be established in proceedings under the Right to Information Act. These, however, are essential requirements for satisfaction of the Court in exercise of the powers under Article 226 of Constitution of India.

10. The writ petition is **dismissed**.

**Order Date :-** 26.4.2013

RKP