



2026:AHC-LKO:108

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12228 of 2025

Avanindra Kumar Gupta

.....Petitioner(s)

Versus

U.P. Information Commission Lko. And 2

Others

.....Respondent(s)

Counsel for Petitioner(s) : Shyam Sundar Dubey

Counsel for Respondent(s) :

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Shyam Sundar Dubey, the learned counsel for the petitioner.
2. By means of the instant petition filed under Article 226 of the Constitution of India, the petitioner has challenged the validity of an order dated 17.02.2023 passed by the State Information Commission dismissing his application for recall of the order dated 24.08.2021, whereby the petitioner's appeal was dismissed after recording his statement that the desired information had been received by him.
3. The impugned order was passed on 17.02.2023 and in the writ petition presented on 12.12.2025. There is absolutely no averment in the Writ Petition explaining the delay of about 2 years and 10 months in its filing.
4. Confronted with the question as to why the writ petition should be entertained when it suffers from unexplained laches, the learned counsel for the petitioner submitted that provisions of Limitation Act do not apply to the proceedings under Article 226 of the Constitution of India. He has referred to a speech of George Bernard Shaw wherein he stated that "there is only one

golden rule that there is no golden rule". He also quoted a chaupai from Ramcharitmanas which states that: "समरथ कहुँ नहीं दोष गोसाई, रबि पावक सुरसरि की नाई".

5. It is true that provisions of Limitation Act do not apply to proceedings under Article 226 of the Constitution of India but it is a settled principle of law that a petitioner seeking to invoke the extraordinary discretionary writ jurisdiction of this Court under Article 226 of Constitution of India should approach the Court with reasonable promptitude. In case the petition is not filed promptly, the petitioner should plead the relevant facts containing sufficient reason the delay in filing the writ petition. In the present petition there is absolutely no averment explaining the period of about 2 years and 10 months that has elapsed between passing of the impugned order and filing of the writ petition.

6. Therefore, the petition suffers from unexplained latches.

7. Regarding the submission of the learned Counsel for the petitioner based on the saying that there is only one golden rule that there is no golden rule, this saying would apply to the situations where the facts and circumstances of the case justifying invoking discretion of the Court in light of the well established principles. Writ jurisdiction is a discretionary jurisdiction and the Courts exercise their jurisdiction keeping in view the well established principles, one of which is that the litigant should approach the Court with reasonable promptness and that belated petitions should not be entertained, unless the petitioner offers a reasonable explanation for the delay in filing the petition. The Courts cannot exercise the discretion arbitrarily and whimsically so as to entertain a belated petition without any reason for the delay.

8. The Court requested the learned Counsel for the petitioner to elaborate his submission based on the Chaupai of Ram Charit Manas: "समरथ कहुँ नहीं दोष गोसाई, रबि पावक सुरसरि की नाई" and enlighten as to who has said it, to whom and in what context, whereupon he replied that he is not aware of the same. Whenever a Counsel refers to any text from any book, he must do so only

after himself understanding the true purport of the same.

9. In *Swami Prasad Maurya v. State of U.P.*: 2023 SCC OnLine All 2992, while deciding an application for quashing of a charge sheet arising out of an FIR alleging that the petitioner had put such an interpretation of two chaupais of Ram Charit Manas, as led to persons burning copies of Ram Charit Manas and committing offences, this Court has observed that any extract from any book may only placed divorced from the context in which the same has been said, like any statutory provision, case law or pleadings are read and understood as a whole and by placing reliance on a passage taken from anywhere without placing the complete context in which it has been said.

10. "समरथ कहुँ नहीं दोष गोसाई, रबि पावक सुरसरि की नाई" has been said by Maharshi Narad to Himalaya soon after birth of his daughter Parvati. Narad said that Parvati would have all the qualities, but her husband would not have parents, he would be a yogi and he would wear strange attire. He further said all these attributes are present in Lord Shiva and people say that these attributes are his qualities. A person who is able to do anything is not blamed like Lord Vishnu rests on Sheshnag (Snake), but the wisemen do not blame him for this reason; the sun and fire burn everything – good or bad, which comes in their contact but they are not blamed for the same; all kinds of water is added and flows in the River Ganges but no one blames it. This chaupai has no application to the facts of the present case.

11. Moreover, even on merits, it is mentioned in the impugned order that it is provided in Rule 12 of the U.P. Right to Information Rules 2015 that: -

"12. (1) The Commission, on an application submitted by any party aggrieved by an order of the Commission, may recall its order on the ground of any of the following procedural defects:

- (i) The order was passed by the Commission without hearing the applicant for no fault of his; or

- (ii) The Commission heard and decided the matter on a date other than the one fixed for hearing of the same and the applicant could not attend the hearing for no fault of his.
- (2) The applicant may submit recall application within thirty days from the date of knowledge of the order of the Commission.
- (3) If the Commission is of the view that *prima facie* there is no merit in the application, it may reject the recall application.
- (4) If the Commission is of the view that the matter requires hearing then before passing any order on such recall application, the Commission shall issue notice to all parties to the proceeding to give them an opportunity of being heard."
12. It is mentioned in the impugned order that the appeal was dismissed on 24.08.2021 after recording statement of the appellant that the desired information has been provided to him. Thereafter, he filed an application for recall of the order stating that the information was incomplete.
13. The averment that information received was not complete and yet the appellant had made the statement that he had received requisite information, does not make out any of the grounds mentioned in Rule 12 (1) of the U.P. Right to Information Rules 2015 for recall of the order. Therefore, there appears to be no illegality also in the order dated 17.02.2023 passed by the State Information Commission.
14. In view of the foregoing discussion, the writ petition lacks merit and the same is ***dismissed*** at the admission stage.

January 5, 2026
-Amit K-

(Subhash Vidyarthi,J.)