



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 15447 OF 2022 (GM-RES)

BETWEEN:

SRI SIJO SEBASTIAN
AGED ABOUT 43 YEARS,
S/O SRI SEBASTIAN P K,
R/AT B-406, UKN VISTA,
HAGADUR MAIN ROAD,
WHITEFIELD,
BANGALORE-560 066.

...PETITIONER

(BY SRI. SIJO SEBASTIAN PARTY-IN-PERSON)

AND:

1. STATE OF KARNATAKA
KARNATAKA INFORMATION COMMISSION,
COURT HALL NO.4, MAHITI SOUDHA,
DEVARAJ URS ROAD,
OPPOSITE TO VIDHAN SOUDHA,
WEST GATE-2,
BENGALURU-560 001.
2. THE PUBLIC INFORMATION OFFICER
BLOCK EDUCATION OFFICE,
SOUTH CIRCLE-4,
GOVT HIGH SCHOOL COMPOUND,
TRIVENI NAGAR, K R PURAM,
BENGALURU-560 036.
3. THE FIRST APPELLATE AUTHORITY
BLOCK EDUCATION OFFICE,
SOUTH CIRCLE-4, GOVT

Digitally
signed by
SUMA B N
Location:
HIGH
COURT OF
KARNATAKA



HIGH SCHOOL COMPOUND,
TRIVENI NAGAR, K R PURAM,
BENGALURU-560 036.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR., AGA FOR R1;
SRI. G.B. SHARATH GOWDA.,ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO TAKE ACTION AGAINST R-2 AND R3 WITH EXEMPLARY PUNISHMENT FOR DERELICTION OF DUTY, BY IMPOSING MAXIMUM PENALTY AS PER RTI ACT SECTION 20(1) AND 20(2) AND THE DESERVED COMPENSATION TO THE PETITIONER FOR THE DIFFICULTIES AND MENTAL AGONY CAUSED BY THE ACTIONS OF R-2 AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner party-in-person had made an application on 04.11.2019 under the provisions of the Right to Information Act, 2005 (hereinafter referred to as 'the Act, 2005') to the respondent No.2-Public Information Officer seeking certain information in the nature of certified copy of the Financial Audit Report, since the date of inception of the School, namely Euro School, Whitefield, Bangalore.



2. Apparently, he was given Financial Audit Report for the year 2019 and was not furnished with the information as he had sought for. Being aggrieved, he has preferred an appeal. Not being satisfied, he filed the second appeal before the State Information Commission.

3. By order dated 23.05.2022, the respondent No.3-Commission disposed off the said appeal with the following observation:

"7. ಹಾಜರಿದ್ದ ಪ್ರತಿವಾದಿಯು ಮೇಲ್ಮನವಿದಾರರು ಕೋರಿರುವ ಮಾಹಿತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ದಿನಾಂಕ 18.05.2022 ರಂದು ನೊಂದಾಯಿತ ಅಂಚೆಯ ಮೂಲಕ "ಸದರಿ ಶಾಲೆಗೆ 2019ನೇ ಸಾಲಿನಲ್ಲಿ ಯುರೋ ಶಾಲೆ ವೈಟ್ ಫೀಲ್ಡ್ ಈ ಶಾಲೆಯಲ್ಲಿ ಶಾಲಾ ಹೆಚ್ಚುವರಿ ಶುಲ್ಕದ ಸಲುವಾಗಿ ಆಡಿಟ್ ವರದಿಯನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ಒದಗಿಸಲಾಗಿದೆ ಹಾಗೂ ಇದಾದ ನಂತರ ಸದರಿ ಶಾಲೆಗೆ ಯಾವುದೇ ತಪಾಸಣೆ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ ಆಡಿಟ್ ವರದಿಯ ಪ್ರಶ್ನೆ ಉದ್ಭವಿಸುವುದಿಲ್ಲವೆಂದು" ಹಿಂಬರಹದೊಂದಿಗೆ ಮಾಹಿತಿಯನ್ನು ರವಾನಿಸಿರುವುದಾಗಿ ತಿಳಿಸಿ, ಹಾಗೂ ಮೇಲ್ಮನವಿದಾರರು ಕೋರಿರುವ ಶಾಲೆಯು ಅನುದಾನ ರಹಿತ ಶಾಲೆಯಾಗಿದ್ದು, ಸಾರ್ವಜನಿಕ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಳಪಟ್ಟಿರುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಆದೇಶ

8. ಪ್ರತಿವಾದಿಯವರು ಮೇಲ್ಮನವಿದಾರರು ಕೋರಿರುವ ಶಾಲೆಯು ಅನುದಾನ ರಹಿತ ಶಾಲೆಯಾಗಿದ್ದರೂ ತಮ್ಮಲ್ಲಿ ಲಭ್ಯವಿರುವ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಿರುವುದನ್ನು ಆಯೋಗವು ಪುರಸ್ಕರಿಸುತ್ತಾ, ಹಾಗೂ ಸದರಿ ಶಾಲೆಯು ಸರ್ಕಾರದಿಂದ ಯಾವುದೇ ಧನ ಸಹಾಯವನ್ನು ಗಣನೀಯ ಪ್ರಮಾಣದಲ್ಲಿ ತನ್ನ ಬಳಕೆಗೋಸ್ಕರ ಪಡೆದಿರುವ ಬಗ್ಗೆ ಮೇಲ್ಮನವಿದಾರರು ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಿ ಸಾಬೀತು ಪಡಿಸದೇ ಇರುವುದರಿಂದ, ಮೇಲ್ಮನವಿದಾರರು ಕೋರಿರುವ ಶಾಲೆಯ ಮಾಹಿತಿಯು ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 2005ರ ವಿಧಿ 2(ಹೆಚ್)ರ ಅಡಿಯಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಪ್ರಾಧಿಕಾರವಲ್ಲವೆಂದು ಮೇಲ್ಮನವಿದಾರರಿಗೆ ತಿಳಿಯಪಡಿಸುತ್ತಾ, ಸದರಿ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯ ಮಾಡಿದೆ".

4. Being aggrieved, petitioner is before this Court.



5. Petitioner-party-in-person appearing through video conference, submits that the reasons and the conclusion arrived at by the Commission runs contrary to the provisions of Sections 2(f) and 2(h) of the Act, 2005. He also brings to notice of this Court, the recognition certificate which was issued in respect of the School in question by the Deputy Director of Public Instruction (DDPI), more particularly to Condition No.17.

6. Thus referring to said condition and provisions of Section 2(f) and 2(h) of the Act, 2005, he submits that the petitioner is entitled for the Audit Report of the School in question and the same cannot be denied by the respondent No.2-Public Information Officer. He further submits that he has been running from pillar to post for over 6 years, the respondent-Authorities are deliberately harassing him without giving the information.

7. Learned counsel appearing for the respondent Nos.2 and 3 on the other hand refers to Section 2(h) of the Act, 2005 and submits that the School in respect of which the audit report being sought do not qualify to be termed as 'Public Authority', therefore there is no obligation on the part of respondent-



authorities to furnish the information as sought for. However, on petitioner-party-in-person bringing to the notice regarding the language employed under Section 2(f) of the Act, 2005 and the condition No.17 of recognition certificate produced along with the petition, he submits that matter will be reconsidered by the respondent-Commission in the light of the said provision and if the petitioner is entitled for the same, appropriate order in this regard would be passed.

8. Heard and perused the records.

9. Perusal of the application would indicate that the petitioner-party-in-person is seeking furnishing of audited balance sheet of a School, namely Euro School, Whitefield, Bangalore, apparently where his son was pursuing his education. Admittedly, the said school neither has the benefit of grant-in aid nor has any financial control by the respondent-State. It is apparently on this premise the respondent-Commission has passed the impugned order. However, as rightly pointed out by the petitioner-party-in-person, Section 2(f) of the Act, 2005, defining the term "information" reads as under:



" 2. Definitions.- In this Act, unless the context otherwise requires,—

(f) information means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"

10. Close perusal of the said definition would indicate that information relating to any private body which can be accessed by a public authority under any other law for the time being would also fall within the ambit of the Act, 2005 requiring furnishing of such information.

11. Further, though the said Euro School, Whitefield, Bengaluru is a private Educational Institution, Recognition Certificate issued by the Office of Deputy Director of Public Instruction, Bangalore South District dated 17.11.2014, produced at Annexure-F, enumerating several conditions, contain the following:

"17. The accounts of the School are audited by the Chartered Accountant and a copy of such audited statements is sent to the DDPI/BEO by the end of the June every year."

12. Impugned order read in the light of the aforesaid provisions and the said condition No.17 would indicate that the DDPI/BEO has indeed partly complied with the requirement of



furnishing the audited report. In other words, the DDPI/BEO was aware that the institution is required to furnish the audit report in compliance with Condition No.17 of the Recognition Certificate, which would partake the character of information to be furnished as contemplated under Section 2(f) of the Act, 2005. This seems to have been lost sight of by the respondent-Commission.

13. In that view of the matter, following:

ORDER

(i) Petition is ***disposed of***.

(ii) Impugned order dated 23.05.2022 passed by the respondent No.3-Commission is set aside.

(iii) Matter is remitted to respondent No.3-Commission, who shall dispose of the matter in accordance with law after notifying the petitioner-party-in-person.

**SD/-
(M.G.S. KAMAL)
JUDGE**