

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10548 of 2015

Mrityunjay Kumar son of Late Suresh Prasad Singh, Resident of B/201, Hari Om Apartment, Exhibition Road, Patna- 800001.

.... Petitioner/s

Versus

1. The Union of India through the Secretary Human Resources Department, Government of India.
2. The Secretary, Human Resources Department, Govt. of India.
3. Council for the Indian School Certificate Examination, through its Chief Executive and Secretary, having its Office at Pragati House, 3rd Flood, 47-48, Nehru Place, New Delhi 110505.
4. The Chairman, Council for Indian School Certificate Examination, Pragati House, 3rd Flood, 47-48, Nehru Place, New Delhi 110505.
5. The Chief Executive and Secretary, CISCE, Pragati House, 3rd Flood, 47-48, Nehru Place, New Delhi 110505.
6. The Public Information Officer, CISCE Pragati House, 3rd Flood, 47-48, Nehru Place, New Delhi 110505.
7. The Assistant Secretary, CISCE, Pragati House, 3rd Flood, 47-48, Nehru Place, New Delhi 110505.

.... Respondent/s

Appearance :

For the Petitioner/s	: Mr. V.R.P. Singh Mr. Rajan
For the Union of India	Mr. Ram Anurag Singh
For respondent no.3	Mr. N.K. Agrawal, Sr. Advocate Mr. Amresh Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER**

8 21-12-2015 Heard Mr. V.R.P. Singh for the petitioner, Mr. Agrawal for Council for the Indian School Certificate Examination (for short 'the Council') and the counsel for the Union of India.

The father of the examinee is the applicant of the present writ petition seeking a direction upon the



authorities of the Council to provide the marks obtained by her daughter in Physics, Chemistry and Biology, in theory, as well as Practical and Project Works. His daughter had appeared at the examination held by the Council in 2015. The respondent Council by the impugned communication (Annexure-5) has refused to give information taking shelter behind section 2(h) of the RTI Act, 2005. The information/marks as requested was/were not supplied to him. Hence the writ application.

Mr. Agrawal appearing for the Council states that refusal to give information can be a cause to be raised before the Central Information Commission/State Information Commission, as provide under section 18(e) of the RTI Act. He has also relied in this regard on an order passed by the Central Information Commission (Annexure-A/5). The Union of India has also taken a similar stand.

On going through the provisions it appears that any aggrieved person may approach the Central Information Commission/State Information Commission, as the case may be, if on any count there is refusal to access to any information requested under this Act. The petitioner has thus statutory remedy to avail. This Court would thus

decline interference under Article 226 of the Constitution of India relegating the petitioner to the statutory remedy available to him under the Act.

The application is disposed of.

(Kishore Kumar Mandal, J)

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