

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

W.P(C).No. 5350 of 2014 (P)

PETITIONER(S):

1. DR.P.RAMADEVI,
PRINCIPAL,
SRI.VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE,
NEMAM, THIRUVANANTHAPURAM-695020.
2. DR.THARA L.,
PROFESSOR AND HEAD OF DEPT.,
SRI.VIDHYADHIRAJA HOMEOPATHIC MEDICAL COLLEGE,
NEMAM, THIRUVANANTHAPURAM-695020.

BY ADVS.SRI.SANTHAN V.NAIR
SRI.V.GOPIKRISHNA

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
TO GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, STATUE, TRIVANDRUM-695001.
2. THE SECRETARY,
THE STATE INFORMATION COMMISSION OF KERALA,
PUNNAN ROAD, THIRUVANANTHAPURAM-695001.
3. ADV.V.P.PANICKER,
158, A.K.G.NAGAR, PEROORKKADA,
THIRUVANANTHAPURAM-695005.

R1 BY SENIOR GOVERNMENT PLEADER, SRI. THOMAS JOHN AMBOOKEN
R2 BY SRI.M. AJAY, SC, STATE INFORMATION COMMISSION.
R3 BY ADV. SRI.C.E.UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

WP(C).No. 5350 of 2014 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : TRUE COPY OF THE APPLICATION DT.19-7-2012 FILED BY R3.
- EXHIBIT P2 : TRUE COPY OF THE REPLY DT.20-8-2012 BY THE PETITIONERS.
- EXHIBIT P3 : TRUE COPY OF THE LETTER WHICH WAS SENT BY THE R3 DT.3-9-2012.
- EXHIBIT P4 : TRUE COPY OF THE REPLY TO THE EXT.P3 DT.15-10-2012.
- EXHIBIT P5 : TRUE COPY OF THE ORDER NO.SVRHMC/231/2012 DT.9-11-2012.
- EXHIBIT P6 : TRUE COPY OF THE APPEAL PETITION DT.30-10-2012.
- EXHIBIT P7 : TRUE COPY OF THE REPLY NO.SVRHMC/243/2012 DT.1-12-2012.
- EXHIBIT P8 : TRUE COPY OF THE ORDER DT.5-3-2013 IN C.P.NO.934(7)/2012/SIC.
- EXHIBIT P9 : TRUE COPY OF THE LETTER DT.16-3-2013.
- EXHIBIT P10 : TRUE COPY OF THE NOTICE DT.30-3-2013.
- EXHIBIT P11 : TRUE COPY OF THE REPLY NO.SVRHMC/2013/68 DT.8-4-2013.
- EXHIBIT P12 : TRUE COPY OF THE NOTICE DT.10-6-2013.
- EXHIBIT P13 : TRUE COPY OF THE LETTER DT.31-7-2013.
- EXHIBIT P14 : TRUE COPY OF THE NOTICE DT.2-8-2013
- EXHIBIT P15 : TRUE COPY OF THE LETTER DT.29-8-2013.
- EXHIBIT P16 : TRUE COPY OF THE LETTER DT.13-11-2013 ALONG WITH THE LETTERS
GIVEN BY TWO STUDENTS.
- EXHIBIT P17 : TRUE COPY OF THE ORDER DT.22-1-2014.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

SHAJI P. CHALY, J.

W.P.(C)No.5350 of 2014

Dated this the 4th day of December, 2015

JUDGMENT

This writ petition is filed against the order passed by the 2nd Respondent in C.P.No.934(7)/2012/SIC filed by the 3rd Respondent herein contending that the Public Information Officer and the Appellate Authority under the petitioners have furnished wrong information to the 3rd Respondent. The 2nd Respondent after issuing notice to the parties concerned, has passed Ext.P17 order imposing fine as provided under the Right to Information Act. It is thus challenging the said order, this writ petition is preferred.

2. Heard learned counsel for the respective parties.

3. The contention put forth by the learned counsel for the petitioners is that the information was provided by the petitioners taking into account the necessary information provided by the respective students with regard to the details sought for by the 3rd Respondent. It is admitted that certain mistakes have crept in, in that circumstances. But, it is contended by the learned counsel that the 2nd Respondent has

failed to take into account certain documents produced by the petitioners while passing Ext.P17 order. On a perusal of Ext.P17 also, I find that none of the documents said to be produced by the petitioners were considered by the 2nd Respondent. The production of documents by the petitioners is admitted by learned Standing Counsel for the 2nd Respondent. In that view of the matter, I think it is only appropriate that Ext.P17 is set aside and be sent back to the 2nd Respondent for passing appropriate orders taking into account the documents produced by the petitioners also.

4. I also feel that having not taken into account the documents produced by the petitioners, there is violation of principles of natural justice and therefore it is only just and proper that an opportunity is provided again to the petitioners to contest their case relying on the documents produced.

5. In that view of the matter, I set aside Ext.P17 order passed by the 2nd Respondent and remand the same for consideration after providing opportunity to all the respective parties and take a decision thereon as early as possible.

The writ petition is disposed of accordingly.

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.S. to Judge

St/-
07.12.2015

