IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM :

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

W.P.No.23312 of 2012
and
M.P.No.1 of 2012

A.Gunasekar ... Petitioner

Vs.

1. The Public Information Officer,
   O/o.The Chief Educational Officer (C.E.O.),
   Ooty, The Nilgiris.

2. The Director,
   Teachers Recruitment Board,
   4th Floor, EVK Sampath Maligai,
   College Road, Chennai - 600 006.

3. The District Employment Officer,
   Ooty, The Nilgiris.

4. D.Vimala ... Respondents
(R4 impleaded as per Order dated
04.09.2012 in M.P.No.2 of 2012 in
W.P.No.23312 of 2012)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned information passed by the 3rd respondent in his office proceedings dated A1/2081/12 dated 18.7.2012, quash the same and further direct the 3rd respondent to give the relevant information sort by the petitioner herein through his application dated 9.6.2012.

For petitioners : Mr.S.Vijayaganesh

For respondents 1 to 3: Mr.R.Ravichandran,
Additional Government Pleader

For 4th respondent : Mr.Srinath Sridevan

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ORDER

Heard the learned counsels appearing for the parties concerned.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for and quash the impugned information given by the third respondent, by his proceedings A1/2081/12, dated 18.07.2012, and to direct the third respondent to give relevant information, based on the application of the petitioner, dated 9.6.2012.

3. At this stage of the hearing of the Writ Petition, the learned counsels appearing for the respondents had submitted that the present Writ Petition filed by the petitioner is not maintainable, as this Court cannot go into the disputed questions of facts, under Article 226 of the Constitution of India. Further, an appeal remedy, under Section 19 of the Right to Information Act, 2005, is available, if the petitioner is aggrieved by the information given by the third respondent, by his proceedings, dated 18.07.2012.

4. In view of the submissions made by the learned counsel appearing on behalf of the respondents, this Court is of the considered view that the present Writ Petition, filed under Article 226 of the Constitution of India, is not maintainable. Hence, the Writ Petition stands dismissed. No costs. Connected M.P.No.1 of 2012 is closed. However, it goes without saying that it may be open to the petitioner to seek his relief, if any, before the appropriate forum, as per the relevant provisions of the Right to Information Act, 2005.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Public Information Officer,
   O/o.The Chief Educational Officer (C.E.O.),
   Ooty, The Nilgiris.

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2. The Director,
   Teachers Recruitment Board,
   4th Floor, EVK Sampath Maligai,
   College Road, Chennai - 600 006.

3. The District Employment Officer,
   Ooty, The Nilgiris.

+1cc to Mr.Srinath Sridevan, Advocate, S.R.No.57903

W.P.No.23312 of 2012
and
M.P.No.1 of 2012

PUR(CO)
CA(06/11/2015)

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