

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 9578 of 2013 (O&M)
Date of Decision: 2.2.2015**

Gurtej Singh

....Petitioner

Versus

State Information Commission Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sardavinder Goyal, Advocate
for the petitioner.

Mr. Piyush Bansal, DAG, Punjab.

- 1. To be referred to the Reporters or not?**
- 2. Whether the judgment should be reported in the Digest?**

RAMESHWAR SINGH MALIK J. (Oral)

Petitioner seeks quashing of order dated 10.9.2012 (Annexure P-7) passed by the State Information Commissioner, Punjab-respondent No.1, whereby appeal of the petitioner was disposed of.

Notice of motion was issued and pursuant thereto, reply on behalf of respondents No. 4 and 5 was filed.

Learned counsel for the petitioner submits that information

sought by the petitioner vide application Annexure P-1 was not supplied to him. He further submits that whatever information was supplied to the petitioner that was incomplete information. He concluded by submitting that respondent No.1 failed to appreciate this factual aspect of the matter, while passing the impugned order and the same cannot be sustained. He prays for setting aside the impugned order, by allowing the present writ petition.

Learned counsel for the respondents, while referring to the averments taken in para 2 to 4 of the preliminary objection of the written statement, submits that whatever information was sought by the petitioner had already been supplied to him. He further submits that there was no illegality in the impugned order and the same deserves to be upheld. He prays for dismissal of the writ petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that present one is not a fit case, for exercising its writ jurisdiction under Articles 226/227 of the Constitution of India. To say so, reasons are more than one, which are being recorded hereinafter.

It is a matter of record and not in dispute that information sought by the petitioner vide Annexure P-1 was pertaining to detailed mark sheet of M.A. 1st and 2nd year as well as B.Ed. However, a bare perusal of the application Annexure P-1 submitted by the petitioner would show that he did not specify the number of candidates about whom he was seeking information. Further, the petitioner was trying

to improve upon his case while filing the present writ petition.

When a pointed question was put to the learned counsel for the petitioner as to for how many candidates, the petitioner sought information vide Annexure P-1, he had no answer and rightly so, because it was a matter of record. In this view of the matter, petitioner cannot be permitted to extend the scope of his original application by specifying number of candidates, at this stage.

The averments taken in para 2 to 4 of the preliminary submissions of the written statement, read as under:-

That in this regard, it is submitted that the petitioner sought the detail mark sheet of M.A.1st year, M.A. 2nd years and B.Ed of Punjabi Lecturer Male of General Category candidates, who were selected in C-DAC-2006. The Department advertised various posts of Lecturers vide advertisement dated 21.10.2006 including the post of Lecturer in Punjabi. The selection process in furtherance of this advertisement had been carried out by C-DAC Mohali (an outsourcing Agency). The entire selection process was completed in the year 2006 and appointment letters to all the selected candidates in the category of Male General for the post of Lecturer in Punjabi were also issued during the year 2006.

That the selected candidate in the category of male general for the post of Lecturer in

Punjabi, submitted their joining in the offices of respective District Education Offices (SE) during the year of 2006 for the purpose of issuance of PPO Nos. Therefore, the entire record including the Detail Marks Sheet of M.A.1st, M.A.2nd and B.Ed were also available in the offices of respective District Education Offices (SE) as well as in the connected schools in which the candidates were initially posted.

That in order to provide the requisite information under RTI Act 2005 to the petitioner in furtherance of his application dated 29.9.2001 Annexure P-1, the relevant documents procured from the office of District Education Officers of State of Punjab. Further, after compiling the entire information has already been provided to the petitioner. Therefore, on the basis of this information, the Hon'ble State Information Commission Punjab, disposed of AC No. 3498 of 2011 filed by the petitioner before Hon'ble State Information Commission. The department has further brought in the notice of State Information Commission, Punjab, vide affidavit dated 27.9.2012 that no further information is available in the department. A copy of this affidavit is annexed herewith as Annexure R-1."

If the application submitted by the applicant himself was not complete in any manner, he cannot be allowed to find fault with the respondents in this regard. Further, if the petitioner was not fully satisfied with the information supplied to him, he could have filed another application under RTI Act, seeking remaining information regarding which his application Annexure P-1, was silent. However, instead of doing so, petitioner has approached this Court by way of instant writ petition, which has been found to be wholly misconceived. Having said that, this Court feels no hesitation to conclude that respondent No.1 committed no error of law, while passing the impugned order and the same deserves to be upheld.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present writ petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, instant writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

02.02.2015
AK Sharma