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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No.7252/2015

I.D. PANDEY

..... Petitioner

Through: Mr. S.N.Sharma, Adv.

versus

**CENTRAL INFORMATION COMMISSIONER
AND ORS.**

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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18.09.2015

1. The petition impugns the order dated 11th August, 2014 of the Central Information Commission (CIC) disposing of the second appeal preferred by the petitioner.

2. The counsel for the petitioner has been heard.

3. The petitioner was employed with the respondent no.3 Bal Bharti School (School), Bahadurgarh, Haryana. He filed an application dated 30th March, 2013 with the Central Public Information Officer (CPIO) of the respondent no.2 Central Board of Secondary Education (CBSE) seeking the following information under the provisions of the Right to Information (RTI) Act, 2005:-

“(1) Whether the pay scales recommended by the 5th pay commission w.e.f. 1/1/96 were provided by this school to the staff working there or not, if yes, the details of the amount paid to me as arrears, be intimated to me.

- (2) *Whether the pay scales recommended by the 6th pay commission w.e.f. 1/1/2006 were provided by this school to the staff working there or not. If yes, the details of the amount paid to me as arrears, be intimated to me.*
- (3) *My basic at the time of leaving this school has been fixed in accordance with the terms and conditions of the 6th Pay Commissioner / CBSE with details of the fixation procedure in that connection.*
- (4) *Full item wise calculation of the amount of Rs.35,829/- paid to me after leaving this school.*
- (5) *A photocopy of my service book provided to me.”*

4. Though the petitioner has not filed the reply / information furnished by the CPIO of respondent No.2 CBSE but it appears that the petitioner was aggrieved therefrom and preferred a first appeal to the First Appellate Authority of the respondent no.2 CBSE and thereafter the second appeal aforesaid to the CIC.

5. A perusal of the impugned order of the CIC shows, (i) the petitioner to have therein impleaded the respondent no.3 School also as a party thereto; (ii) that the CPIO of the respondent no.2 CBSE had transferred the RTI query of the petitioner to the respondent no.3 School; (iii) that the First Appellate Authority of the respondent no.2 CBSE had also directed the respondent no.3 School to provide the information to the petitioner; (iv) that before the CIC the respondent no.3 School submitted that it is not a Public

Authority within the meaning of RTI Act and is a privately managed unaided institution and does not get any grant and aid from the State Government of Haryana or from the Central Government; and, (v) that the petitioner did not contest the aforesaid position and rather contended that the respondent no.2 CBSE should be asked to obtain the information from the respondent no.3 School and to provide the same to the petitioner.

6. The CIC, vide the impugned order, relying upon the judgment dated 25th September, 2006 of this Court in W.P.(C) No.7265/2007, held that no such direction could be issued to the CBSE to collect the information from a private person / Body and to furnish it to the petitioner.

7. Upon it being enquired from the counsel for the petitioner as to what is the error in the aforesaid order, he contends that because the respondent no.3 School is affiliated to the respondent no.2 CBSE, all the records of the respondent no.3 School would form part of the record of the respondent no.2 CBSE.

8. There is no basis for such a contention. No Bye-law of the respondent no.2 CBSE requiring the respondent no.2 CBSE to as a condition for grant of affiliation to the respondent no.3 School, require the respondent no.3 School to furnish all the information sought or to maintain such information.

9. Faced therewith, the counsel for the petitioner states that the petitioner had prior to making the RTI query to the respondent no.2 CBSE, also made a RTI query to the respondent no.3 School but which was responded by stating that upon the petitioner having resigned from the respondent no.3

School and having settled his accounts fully and finally, no such information was available. The counsel for the petitioner states that a direction should be issued to the respondent no.3 School to furnish the information sought.

10. Upon being asked to show as to how the respondent no.3 School will qualify as a Public Authority, attention is drawn to Annexure P-12 to the petition being the copy of the judgment dated 25th September, 2009 of this Court in W.P.(C) No.7265/2007 titled ***Poorna Prajna Public School Vs. Central Information Commission***. However a perusal of the same shows that the question, whether a private school could be said to be a Public Authority within the meaning of RTI Act, was left open therein. Moreover that was in context of a school in Delhi, recognised under the Delhi School Education Act, 1973. The respondent no.3 School is situated in Haryana and the petitioner has not disclosed as to how the respondent no.3 School would qualify as a Public Authority. Further, the petitioner did not press such case against the respondent no.3 School and took the matter to the CIC against the respondent no.2 CBSE only, though impleaded the School also as a party thereto.

11. I am unable to find any error in the order of the CIC. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 18, 2015

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