

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P. No.8480 of 2013

and MP No.1 of 2013

S.Balasundaram

.. Petitioner

Vs

1. The Public Information Officer,
Assistant Primary Educational Officer,
O/o.The Assistant Primary Education,
Thirukoilur,
Villupuram District.
2. The District Primary Educational Officer,
O/o.The District Primary Educational Officer,
Villupuram.
3. The State Information Commissioner,
State Information Commission
Teynampet,
Chennai 600 018.

.... Respondents

R3 is impleaded as per order dated 21.11.2016 of this court in WMP No.34175/2016 in WP.No.8480/2013

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the Commissioner of State Information Commission, O/o.The State Information Commission, Teynampet, Chennai to dispose of petitioner's appeal dated 20.09.2012 along with reminder dated 08.10.2012.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mrs.M.E.Raniselvam,
Addl.Govt.Pleader

ORDER

The prayer in the writ petition is for writ of mandamus directing the Commissioner of State Information Commission, O/o.The State Information Commission, Teynampet, Chennai to dispose of petitioner's appeal dated 20.09.2012 along with reminder dated 08.10.2012.

2. The petitioner who was working as a Headmistress in Middle School at Padyanthal Panchayat Union School, Thirukoilur had requested the second respondent to issue her salary certificate, which was refused. Hence the petitioner sent a letter dated 25.08.2012 to the first respondent seeking information about the refusal of her salary certificate under Right to Information Act. The first respondent had also returned the petitioner's letter with an endorsement "refused". Consequently the petitioner had sent a complaint dated 30.09.2012 to the second respondent to initiate action against the first respondent. Even this letter was refused by the second respondent. Hence the petitioner had filed an appeal dated 20.09.2012 to the third respondent, followed by a reminder dated 08.10.2012 since the third respondent had not disposed of the petitioner's appeal, the present writ petition has been filed.

3. Taking into consideration, the limited scope of the prayer sought for in this writ petition and without going into the merits of the petitioner's claim in the appeal made to the third respondent, there shall be a direction to the third respondent to consider the petitioner's appeal dated 20.09.2012 and the subsequent reminder letter dated 08.10.2012 and pass orders on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

4. With the above observation writ petition is allowed. No costs. Connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

dpq
To

Sub Assistant Registrar

1. The Public Information Officer,
Assistant Primary Educational Officer,
O/o.The Assistant Primary Education,
Thirukoilur,
Villupuram District.
2. The District Primary Educational Officer,
O/o.The District Primary Educational Officer,
Villupuram.

3. The State Information Commissioner,
State Information Commission
Teynampet,
Chennai 600 018.

SLD (CO)
BB (29/12/2016)

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