



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2016

CORAM

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THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P (MD) No.11685 of 2015
and
W.M.P. (MD) . No. 4571 of 2016

A.Prabhakar

.. Petitioner

Versus

1.The State Information Commissioner,
State Information Commissionerate,
No.2, Thiyagaraya Street,
Near Aalai Amman Kovil,
Teynampet,
Chennai - 18.

2.The Public Information Officer,
Teachers Recruitment Board,
College Road,
Chennai - 6

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 24.09.2014 vide case No.17794/Investigation/C/2013 and து.உ.ச.இ.மு.87/TET/2014 dated 19.09.2014 passed by the first and second respondents and quash the same as illegal, consequently, direct the first respondent to impose fine on second respondent as per RTI Act, and also direct the 2nd respondent to furnish complete information for the petitioner RTI application dated 29.01.2013.

For petitioner : Mr. M.R. Sreenivasan

For respondents : Mr. K.K. Senthil for R1

Mr. J. Gunaseelanmuthiah

Government Advocate for R2

**ORDER**

The petitioner has come forward with this writ petition challenging the notice dated 19.09.2014 issued by the first respondent/State Information Commissioner by which the Member Secretary, Teachers Recruitment Board was called upon to seek an explanation from the concerned Public Information Officer as to why appropriate punishment should not be imposed for the delay in sending the information to the petitioner as contemplated under Section 20 (2) of the Right to Information Act.

2. The petitioner has filed an application under the Right to Information Act seeking certain information from the Public Information Officer attached to the Teachers Recruitment Board, Chennai on 29.01.2013. As there was no response, he sent a reminder on 07.03.2013 to the Public Information Officer. Thereafter, the petitioner preferred an appeal to the first respondent on 20.04.2013. On the basis of the appeal, a direction was issued by the first respondent on 26.06.2013 to the Public Information Officer to furnish the information sought for by the petitioner. According to the petitioner, even thereafter, the information sought for by him has not been furnished and therefore, he has given a complaint to the first respondent on 25.09.2013. Ultimately, on 19.02.2014, the information sought for by the petitioner was furnished by the Public Information Officer. In this context, the petitioner has submitted an application which was taken as Case No. 17794/2013 by the first respondent in which the petitioner as well as the Public Information Officer were enquired by the first respondent. After such enquiry, the order dated 24.09.2014 was passed by the first respondent in which it was ordered that the information sought for by the petitioner has been furnished belatedly and therefore the first respondent recommended for initiating appropriate action against the concerned Public Information Officer for the delay in furnishing the information to the petitioner. It is this order which is challenged in this writ petition by the petitioner.

3. I heard the counsel for both sides. In the order dated 24.09.2014, which is impugned in this writ petition, it is clearly mentioned that the issue relating to furnishing the information sought for by the petitioner need not be adjudicated as the information has been already furnished to the petitioner. The first respondent therefore only dealt with the delay in furnishing such information and recommended to initiate suitable action against the concerned Public Information Officer. This order has nothing to do with the petitioner and the petitioner has no *locus standi* to challenge the said proceedings of the first respondent. In the light of the above, the WMP (MD) No. 4571 of



2016 filed by the petitioner seeking to amend the prayer in the writ petition is also not sustainable. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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/True copy/

Sd/-

Assistant Registrar (W)

Sub Assistant Registrar

To

1.The State Information Commissioner,
State Information Commissionerate,
No.2, Thiyagaraya Street,
Near Aalai Amman Kovil,
Teynampet, Chennai - 18.

2.The Public Information Officer,
Teachers Recruitment Board,
College Road, Chennai - 6.

+1 CC to Mr.K.K.SENTHIL, Advocate, SR No.24791

W.P (MD) .No.11685 of 2015
26.04.2016

SH/KBM:28.06.2016:3P/4C