



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2016

CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

W.P.(MD) No.5043 of 2015

and

M.P.(MD) Nos.1 and 2 of 2015

P.S. Santhimeenal

.. Petitioner

Versus

1.The Principal
Government Arts College
Thanthonimalai
Karur - 639 005.

2.The Commissioner,
Tamil Nadu State Information Commission,
No.2, Thiagarajar Salai,
Teynampet,
Chennai - 600 018.

3.S.Sivasankaran
[3rd respondent impleaded vide order dated 16.07.2015
passed in M.P.(MD) No.3 of 2015) .. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to furnish the petitioner's correct and sufficient information as per petitioner's letter dated 03.06.2013 and to pass such further or other orders.

For Petitioner	:	Mr.N.Balakrishnan
For Respondent 1	:	Mr.M.Rajarajan, Govt. Advocate
For Respondent 2	:	Mr.K.K.Senthil
For Respondent 3	:	Mr.S.Gokulraj

ORDER

This Writ Petition has been filed seeking issuance of a Mandamus to direct the first respondent to furnish correct and sufficient information to the petitioner as per her letter dated 03.06.2013.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and also the learned counsel appearing for the second and third respondents.

<https://hcservices.courts.gov.in/hcservices> This is a fittest case where this Court has to observe that the benevolent enactment under the Right To Information Act



has been misused and abused by the petitioner with vested interest. The petitioner has submitted an application dated 03.06.2013 to the first respondent seeking to furnish certain information about the third respondent and his employment. The third respondent, who was subsequently impleaded in this writ petition is none other than the petitioner's husband. The third respondent is working as Assistant Professor in the Department of History in the first respondent college. In the application dated 03.06.2013, the petitioner sought for copies of the service records pertaining to the third respondent maintained by the first respondent apart from other documents such as the identity card issued to the third respondent under the Star Health Insurance Scheme, the prior permission obtained by the third respondent for purchasing a piece of property owned by the Tamil Nadu Housing Board etc., The first respondent has furnished certain information on 16.11.2013 and 11.12.2013. However, complaining that the information furnished by the first respondent is insufficient or inadequate, she has filed an appeal dated 26.10.2013 to the second respondent. The second respondent, in turn, by a communication dated 07.01.2014, directed the first respondent to furnish the documents sought for by the petitioner as per the provisions of the Right to Information Act. In the meantime, the petitioner approached this Court by filing WP (MD) No. 9516 of 2014 and this Court, by order dated 09.07.2014 directed the petitioner to appear before the first respondent for an enquiry on 14.07.2014. Thereafter, the second respondent once again passed an order on 22.07.2014 directing the first respondent to furnish the information sought for by the petitioner, even though they were already furnished to her. The first respondent thereafter, furnished the information sought for on 25.07.2014 and on 31.07.2014. In fact, the first respondent has even furnished the service records pertaining to the third respondent, including the nomination form submitted by the third respondent to his employer. Not satisfied with such information furnished to her, the petitioner is before this Court with this writ petition to issue a Mandamus to the first respondent to furnish proper and correct information as sought for by her in the application dated 03.06.2013.

4. I heard the counsel on either side. On perusal of the records, it is evident that there arose a matrimonial dispute between the petitioner and the third respondent. During the pendency of the matrimonial proceedings, the petitioner has also set in motion criminal proceedings against her husband by giving a criminal complaint to the jurisdictional police authorities. It is also seen from the records that the petitioner has not confined her request by submitting one application under the Right to Information Act. She has repeatedly insisted for production of the other, preferred an appeal to the second respondent under the Right to Information Act and even before the direction issued by the second respondent on 07.01.2014 to the



first respondent could be complied with, she has filed WP No. 9516 of 2014 and obtained an order before this Court.

5. In the application submitted by the petitioner under the Right to Information Act, the petitioner has raised unnecessary queries and if some part of the question left unanswered, she immediately send a reply or prefer an appeal to the higher authority. It is not the case of the petitioner that she was not furnished with the information sought by her. The grievance of the petitioner is that the information furnished to her is inadequate or insufficient. It is seen that the petitioner sought for very many information about her husband/third respondent to ascertain whether he is re-married or living with somebody else. For such purpose, the petitioner cannot be permitted to invoke the provisions under the Right to Information Act. The petitioner has succeeded in getting even copies of the service records of the third respondent, however, still, she wants to be furnished with some other information. This is nothing but an abuse of the provisions of the Right to Information Act besides that an harassment to the first respondent, who is the employer of the third respondent. The information sought for by the petitioner has to be obtained by her by resorting to proceedings under law and not by invoking the provisions of the Right to Information Act. Merely because the particulars submitted by the first respondent is inadequate or insufficient, it will not be a ground for the petitioner to approach this Court with this writ petition. In this connection, it is relevant to cite a judgment of the Hon'ble Supreme Court in **Central Board of Secondary Education and another vs. Aditya Bandopadhyay and others** reported in **(2011) 8 SCC 497**. A few excerpts from the decision of the Honourable Supreme Court can usefully be extracted hereunder:-

To ensure the continued participation of the people in the democratic process, they must be kept informed of the vital decisions taken by the Government and the basis thereof. Democracy, therefore, expects openness and openness is a concomitant of a free society. Sunlight is the best disinfectant. But it is equally important to be alive to the dangers that lie ahead. It is important to realise that undue popular pressure brought to bear on decision-makers in Government can have frightening side-effects. If every action taken by the political or executive functionary is transformed into a public controversy and made subject to an enquiry to soothe popular sentiments, it will undoubtedly have a chilling effect on the independence of the decision-maker who may find it safer not to take any decision. It will paralyse the entire system and bring it to a grinding halt. So we have two conflicting situations almost enigmatic and we think the answer is to



maintain a fine balance which would serve public interest."

6. Applying the observations made by the Honourable Supreme Court to the facts of this case, the intention of the petitioner in seeking the information is not for any public cause but to settle personal score or matrimonial dispute with the third respondent. The Right to Information Act has been made a platform by the petitioner to seek whatever information she thought it fit when such information could well be gathered by her by initiating appropriate proceedings under law. In any event, this Court is of the considered view that the petitioner has abused and misused the provisions of the Right to Information Act especially when she was already furnished with most of the information sought for by her, which were even excluded under the Right to Information Act. In such view of the matter, I do not find any reason to grant the relief sought for in this writ petition. The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal,
Government Arts College,
Thanthonimalai, Karur - 639 005.
 - 2.The Commissioner,
Tamil Nadu State Information Commission,
No.2, Thiagarajar Salai, Teynampet, Chennai - 600 018.
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.12470
+1 CC to Mr.K.K.SENTHIL, Advocate, SR No.12335
+1 CC to Mr.N.BALAKRISHNAN, Advocate, SR No.12542
+1 CC to Mr.S.GOKULRAJ, Advocate, SR No.12564

W.P. (MD) No.5043 of 2015
03.03.2016

srm/rsh
SH/SKS-RR:27.09.2016:4P/7C