

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 12678, 12670, 12690 & 12727 OF 2008

COMMON ORDER:

Since the issue involved in these writ petitions is being common, with the consent of the parties, the same are being disposed of by this common order.

The facts in brief are that the petitioner claims himself to be a Journalist and also the President of the Journalists Association of Devotional Magazines apart from being Editor-in-Chief of a magazine in the name and style of Alaya Darshini Devotional Magazine.

In all these writ petitions the private respondents (arrayed as respondent No.4) are the officers working in Endowment's Department in their respective temples. The petitioner made applications, dated 17.07.2007, 01.03.2007 and 07.03.2007 and 07.03.2007, before the 3rd respondent, who is the Public Information Officer, a designated authority, under the Right to Information Act, 2005 (for short, "the Act") seeking certified copies of service records of the private respondents. Since, no orders were passed within the stipulated time in terms of Section 7(1) of the Act, the petitioner approached the appellate authority, the 2nd respondent, by invoking the appellate power under Section 19 of the Act. The appellate authority, after considering the grounds of appeal and also the legal provisions governing the issue, dismissed the appeals. Challenging the same, the present writ petitions are filed.

Heard the learned counsel for the petitioner and the learned Government Pleader.

It is the contention of the learned counsel for the petitioner that the appeals filed before the appellate authority are against the simple grievance of the

petitioner that no orders have been passed by the 3rd respondent, who is the primary designated authority, within the stipulated time and as such the 2nd respondent - appellate authority ought to have directed the 3rd respondent to process the applications rather than taking upon himself the responsibility of passing the impugned order under Section 8 of the Act, and that the information sought by the petitioner was required so as to enable him to examine the various aspects of the service of the private respondents so as to put them in public domain through the magazine, which is primarily engaged in promoting the religious aspects of various temples.

Learned Government Pleader opposes the writ petitions and submits that it is well settled that the appellate authority in dealing with the matters can as much deal as an original authority, if sufficient material for the purpose of dealing the issue is shown. In the facts of the present case, the 2nd respondent, having considered the material on record and particularly noticing that the petitioner has failed to set out the purpose for which the service particulars of the private respondents were sought for, rejected the request of the petitioner as there no public interest was involved in seeking such information. In that view of the matter, the 2nd respondent rejecting the applications is unexceptionable and does not warrant interference of this Court. The impugned order passed by the 1st respondent refers to Section 8(i)(j) of the Act. The 1st respondent consciously, after considering the applications seeking the service particulars and other related information of the respondent employees, came to the conclusion that furnishing of personal information and disclosing of the same would violate the privacy of the individual and further furnishing of such information is exempted from Section 8(i)(j) of the Act, and this conclusion and reasoning cannot be found fault with. Learned Government Pleader in this context placed reliance on the judgments of

the Supreme Court in **Girish Ramchandra Deshpande vs. Central Information Commissioner and others**¹ and **R.K. Jain vs. Union of India and another**² and in particular relies on paragraph 18 of **R.K. Jain (supra)**, which reads as under:

“18. The following was the observation made by the Delhi High Court in *Arvind Kejriwal* (AIR 2010 Del.216) (AIR pp.220-21, paras 22-27.

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25. The logic of Section 11(1) of the RTI Act is plain. Once the information seeker is provided information relating to a third party, it is no longer is the private domain. Such information seeker can then disclose in turn such information to the whole world. There may be an officer who may not want the whole world to know why he or she was overlooked for promotion. The defence of privacy in such a case cannot be lightly brushed aside saying that since the officer is a public servant he or she cannot possibly fight shy of such disclosure. There may be yet another situation where the officer may have no qualms about such disclosure. And there may be a third category where the credentials of the officer appointed may be thought of as being in public interest to be disclosed. The importance of the post held may also be a factor that might weigh with the information officer. This exercise of weighing the competing interests can possibly be undertaken only after hearing all interested parties. Therefore, the procedure under Section 11(1) of the RTI Act.”

In view of the law declared by the Supreme Court, I see no merit in the writ petitions and the same are accordingly dismissed.

Miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

CHALLA KODANDA RAM, J

Date: 14.11.2016
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¹ (2013) 1 SCC 212
² (2013) 14 SCC 794