

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.10790 of 2009

Date of decision: 31.8.2016

Managing Committee, Dashmesh Khalsa High School **...Petitioner**

Versus

State Information Commission and another **...Respondents**

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Vishal Khatri, Advocate for
Mr. V.K.Jindal, Advocate for the petitioner.

Ms. Lavanya Paul, Assistant Advocate General, Punjab

Mr. Inderpal Singh Parmar, Advocate for respondent no.2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner school is aggrieved against the order dated 20.4.2009 (Annexure P/9) whereby respondent no.1-Commission had directed that enquiry should be conducted and the report should be supplied to the complainant within one month. Copy of the same had also to be furnished to the Commission.

It is not disputed that respondent no.2 filed an application wherein she had levelled various allegations against the Head of the School regarding his conduct. Similar complaint had also been filed against the management. Thereafter, an application under the Right to Information Act, 2005 (hereinafter called as "the Act") was filed seeking enquiry report on the basis of the representation made. Thereafter, impugned direction was issued by the respondent-commission on the basis of said request.

It is not disputed that the Commission is only to ensure that information asked for is to be supplied within the time prescribed under the

Act. It does not have authority as such to order for holding an enquiry against the conduct of a member of service of an educational institute. It is thus apparent that the order passed is beyond the power and jurisdiction of the Commission.

Counsel for respondent no.2 further points out that the complainant has now retired and the matter as such can be given a decent burial.

Keeping in view the above, the present writ petition is allowed and the order dated 20.4.2009 (Annexure P/9) passed by the respondent no.1-Commission is quashed.

August 31, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No