

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

CWP No. 2486 of 2014

Date of decision:12.04.2016

Educate India Society and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Arvind Chaudhary, Advocate
for the petitioners.

Mr. Karanvir Singh Khehar, Advocate
for respondent No. 3.

Rakesh Kumar Jain, J.(Oral)

Counsel for the petitioners has challenged the validity of the Orders i.e. Annexures P-2 and P-3 passed by the State Information Commissioner(for short, 'the Commissioner') on the ground that the petitioner is not the competent authority as defined under Section 2(h) of the Right to Information Act, 2005(for short, 'the Act').

Counsel for the petitioners has submitted that the Commissioner has erred in dealing with the issue and erred in holding the petitioner as a public authority, without referring to the preamble of the Act and Section 2(a) as the petitioner is a private university, self financed, having no control of the Government or any Board or Corporation.

On the other hand, counsel for the respondent has submitted that admittedly, the petitioner is the creation of the Statute namely, the Haryana Act No. 2 of 2009 and thus, is a public

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authority in terms of Section 2(h)(c) of the Act. He has further relied upon the judgment of this Court rendered in the case of *Chandigarh University, Village Gharuan vs. State of Punjab and others* passed in CWP No. 1509 of 2013 decided on 01.03.2013.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that the petitioner is a public authority in terms of Section 2 (h)(c) of the Act as held by this Court in the case of *Chandigarh University (supra)* in which similar issue had cropped up as to whether private university, which is self governed much less without any fiscal aid of the Government, would fall within the definition of public authority or not. This Court authoritatively held that once the university, may be privately owned, is created under the statute, it would be a public authority in terms of Section 2(h)(c) of the Act.

Since the issue involved in this case is no more res integra, therefore, following the order passed by this Court in the case of *Chandigarh University (supra)*, I hold that there is no error of jurisdiction in passing the orders i.e. Annexures P-2 and P-3. Consequently, the present petition is hereby dismissed.

12th April, 2016

Shivani Kaushik

**[Rakesh Kumar Jain]
Judge**