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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7886/2007 & CMs No.14895/2007 (for stay) & 14896/2007
(for exemption)

THE PUBLIC INFORMATION OFFICER, NATIONAL
INSTITUTE OF OPEN SCHOOLING (N.I.O.S.) Petitioner
Through: Mr. S. Rajappa, Adv.

Versus

KISHLAY & ANR Respondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **07.01.2016**

1. This case presents a sad picture.
2. The petition was filed impugning the order dated 18th September, 2007 of the Chief Information Commissioner constituted under the Right to Information Act, 2005 (RTI Act) directing the petitioner to disclose the marks obtained by the respondent No.1 in an examination conducted by the petitioner.
3. The petition came up first before this Court on 29th October, 2007 and was repeatedly adjourned on the request of the counsel for the petitioner, sometimes to produce original documents. No notice of the petition was issued. Finally, on 19th August, 2008 when the counsel for the petitioner again sought adjournment to produce documents, the Hon'ble Judge in exasperation ordered that the matter be listed for consideration, as and when the petitioner wanted to argue and places all the documents on record.

4. No application was filed by anyone from 19th August, 2008 till 2015 for revival of the petition. The petition was listed on 20th March, 2015 in accordance with the then general direction for listing of all the matters lying adjourned *sine die* without any date. On that date, without noticing that the notice of the petition has not been issued, Court notice was ordered to be issued to all the parties. Though the counsel for the petitioner appeared in response to the Court notice but the respondent No.1 information seeker could not be served with the Court notice and the matter is again being repeatedly adjourned. The respondent No.2 is the Central Information Commission (CIC) which has been served but on whose behalf none appears and which is in fact not even required to be a party to the petition.

5. The respondent No.1 information seeker is not served for today also.

6. However the aforesaid discloses that in the last nearly nine years, since when this petition is pending, inspite of there being no notice of the petition and resultantly no stay of the order of the respondent No.2 CIC impugned in the petition, the respondent No.1 has not enforced the order of the respondent No.2 CIC.

7. The respondent No.1 information seeker is a resident of Bihar and considering the nature of information sought by him, it appears he has now no need therefor and has in the last nine years moved on in life.

8. In this view of the matter, need to hear the counsel for the petitioner on the admissibility of the petition is not felt, as I am of the opinion that the petition has become infructuous.

9. I may however note that in the last nine years, there has been considerable development of law on the RTI Act and in the light thereof, it even otherwise appears that there is no merit in the petition.

10. However, dismissed as infructuous.

No costs.

RAJIV SAHAI ENDLAW, J.

JANUARY 07, 2016

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