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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 23.11.2016

+ **W.P.(C) 11119/2016 & CM APPL. 43466/2016**

CENTRAL BOARD OF SECONDARY EDUCATION Petitioner

versus

ASHWANI KUMAR

..... Respondent

Advocates who appeared in the case:

For the Petitioner :

Mr Amit Bansal with Ms. Seema Dolo and
Ms. Surbhi Mehta, Advocates.

For the Respondent:

None.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J (ORAL)

1. The petitioner impugns the order dated 02.12.2015, whereby the Central Information Commission had directed the CPIO of CBSE to show cause as to why the penalty be not imposed for not responding to the RTI application and for not refunding the amount of Rs. 250/- which was deposited by the respondent on the advice of the CPIO and for not providing any information, and the order dated 29.03.2016 subsequently directing the petitioner to pay a compensation of Rs. 5000/- to the respondent.

2. It is contended that there is no fault of the petitioner and the query of the respondent was promptly replied to. It is further contended that since personal information had been sought for by the respondent, the same could not have been shared unless the public interest was shown by the respondent and no public interest was shown by the respondent.

3. Perusal of the reply given by the petitioner to the application of the respondent seeking information shows that the petitioner had not denied supply of information on the ground that the same was exempt as being personal information. The petitioner had answered the query by requiring the respondent to make an application through the concerned department along with a bank draft of Rs. 250/-.

4. This answer, it is contended, is in accordance with the procedure adopted by the petitioner in cases where personal information is sought by the departments seeking verification of records of private individuals.

5. The impugned order only imposes a penalty of Rs. 5000/- on the petitioner department.

6. In the facts of the present case, I am not inclined to interfere with the directions of the said Central Information Commission directing the petitioner to pay a compensation of Rs. 5000/-. Admittedly, the information was not supplied. The perusal of the reply also shows that no plea was taken that the information is exempt being personal information. The information has been subsequently supplied.

7. I find no merit in the petition. The petition is accordingly dismissed.

SANJEEV SACHDEVA

NOVEMBER 23, 2016

‘RS’

