

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

+ **LPA 20/2016**

GS DHODI AND ANR

..... Appellant

Through: Appellant in person.

versus

**CHIEF INFORMATION COMMISSIONER
AND ORS.**

.... Respondent

Through: Mr.Rahul Sharma with Mr.Ankit Roy,
Advs. for CIC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **12.01.2016**

1. Writ Petition (C) No.10484/2014 filed by the appellant herein assailing the order of the Chief Information Commissioner (for short 'CIC') dated 16.05.2015 was dismissed by the learned Single Judge by the order under appeal dated 06.11.2015.
2. We have heard the appellant appearing in person and the learned counsel appearing for the respondents.
3. As could be seen from the material available on record, the appellant/writ petitioner made an application under the Right to Information Act, 2005 (hereinafter referred to as the 'RTI Act') seeking certain information from the Directorate of Education, Govt. of NCT of Delhi. The said application was disposed of stating that no such record is maintained, however, if required the applicant is advised to inspect the related file. His appeals to the First Appellate Authority and thereafter to CIC were

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dismissed. The learned Single Judge declined to interfere with the said orders observing:

“6. CIC in the impugned order has recorded the ~~stand~~^{fact} of the DoE that it is difficult for them to collate the information sought, of all the offices or individual or areas because it is not maintained in a categorized manner and information can be furnished only with respect to the particular officers from their records and that after the year 2012, everybody is getting non-functional pay scale and hence such list was not separately maintained.

7. The reasons given by CIC in the impugned order are not found to be such which require any interference under Article 226 of the Constitution of India. In fact, from the order of CIC, it is evident that after the year 2012 “everybody is getting non-functional pay scale” and which answers the query raised by the petitioners.”

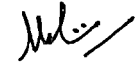
4. The law is well settled that an applicant under RTI Act has access to only such information that is available and existing with the public authority subject to the exemptions under Section 8. It has been held in ***CBSE vs. Aditya Bandopadhyay & Ors. (2011) 8 SCC 497***:

“35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of Section 3 and the definitions of “information” and “right to information” under clauses (f) and (j) of Section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in Section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available

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information and then furnish it to an applicant.....”

5. In the light of the settled legal position noticed above, the order under appeal cannot be held to be erroneous or illegal on any ground whatsoever.
6. Accordingly, the appeal is dismissed.


CHIEF JUSTICE


JAYANT NATH, J

JANUARY 12, 2016/pmc