

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2315 of 2016

Rakesh Mishra S/o Late Neelmani Mishra, Aged About 54 Years R/o
Bramhanpara, Raipur, Distirct Raipur Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh State Information Commission Through Chief Information Commissioner, Shastri Chowk , Nea Rlaw Commission, Raipur, District Raipur Chhattisgarh
2. Appellate Authority/ Secretary, Chhattisgarh Madhyamik Shiksha Mandal, Raipur, District Raipur Chhattisgarh
3. Public Information Officer, Chhattisgarh Madhyamik Shiksha Mandal Pensionbada, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Shrawan Agrawal, Advocate
For Respondent No.1	:	Shri Shaym Tekchandani, Advocate
For Respondents No. 2 & 3	:	Shri Manoj Paranjpe and Shri Vikram Dixit, Advocates

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/04/2017

Heard.

1. This petition has been filed by the petitioner, father of the student, for a direction for setting aside order dated 26.3.2013 and also for a direction to supply necessary information on payment of fee which the petitioner is prepared to pay. The petitioner has also prayed for providing costs. The petitioner has also prayed for a declaration that the right to get information under Right to Information Act is absolute and not curtailed or regulated by the Regulations of Board of Secondary Education.
2. The issue raised in this petition has been concluded by this Court in the case of **Kawal Singh Gautam Vs. State of Chhattisgarh & Ors.** (AIR 2011 Chhattisgarh 143), wherein this Court held thus:

“15. Therefore, right to information would include right to take certified copies of documents or records and mere inspection does not discharge the respondents of their obligation nor can it be said that the petitioner has been given complete information. Present is not a case where the petitioners, after inspection of their answer-sheet, felt satisfied. The application of the petitioners clearly shows that they demanded certified copies of their answer-sheet in concerned subjects. Therefore, the petitioners' right to information includes right to take certified copies of the answer-sheets also, which cannot be denied by the respondents.”

The aforesaid decision was also relied upon in another case in the case of **Ku. Bhumeshwari Patel Vs. Chhattisgarh Board of Secondary Education and Anr.** (WPC No.1793 of 2014) decided on 12.8.2015.

3. The right to get information under the provisions of Right to Information Act stands on much high pedestal than the provisions contained in the Regulations framed by the Board of Secondary Education in exercise of powers conferred on it under the provisions of School Shiksha Adhiniyam, 1975. It has been held in the aforesaid decision that a candidate is entitled to copy of his own answer sheet under the provision of Right to Information Act.
4. Therefore, in these circumstances, the petitioner is entitled to copy under Right to Information Act and such right cannot be said to be curtailed or regulated by the Regulations framed by the Board of Secondary Education. To that extent, the impugned order is held illegal.
5. Accordingly, the petition is allowed. The respondents shall provide necessary information to the petitioner, upon petitioner depositing appropriate fee as payable under the provisions of the Right to Information Act and Rules made thereunder.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge