

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Judgment Reserved on 02.08.2017****Judgment Delivered on 17.08.2017****Writ Appeal No. 258 of 2017**

S.K. Anant S/o Late Shri Samaru Ram, Aged About 56 Years Presently Working As Administrative Officer At Government Dental College Raipur, District Raipur; R/o Kuber Apartment, Shankar Nagar Raipur, District Raipur (Chhattisgarh)

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Health And Family Welfare Department Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. Directorate, Medical Education, Old Nursing Hostel, D. K. S. Bhawan Compound, Raipur (Chhattisgarh)
3. Chhattisgarh State Information Commission, Through Its Chief Information Commissioner, Nirmal Chhaya Bhawan, Meera Datar Road, Shankar Nagar, Raipur, District Raipur (Chhattisgarh)
4. Appellate Authority Under Right To Information Act, Office Of Directorate Medical Education, Old Nursing Hostel, D. K. S. Bhawan Compound, Raipur (Chhattisgarh)
5. Principal, Government Dental College, Raipur (Chhattisgarh)

---- Respondents

For Appellant	:	Mr. Ishan Verma, Advocate
For Respondent -State	:	Mr. Y.S. Thakur, Additional Advocate General
For Respondent No.3	:	Mr. S.S. Tekchandani, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge

C.A.V. JUDGMENT

Per Sharad Kumar Gupta, Judge

1. In this writ appeal, the challenge levied is to order dated 12.05.2017 passed by the learned Single Judge of this Court in Writ Petition (C) No.1349/2017 whereby the said writ petition was dismissed.
2. The appellant is presently posted as an Administrative Officer in Government Dental College, Raipur Chhattisgarh. Some persons namely Vikas Tiwari, Suresh Kumar Sharma, Abhishek Mishra and Ravi Pedurwar moved applications individually before the Public Information Officer, Directorate, Medical Education, Raipur under the Right to Information Act, 2005; for short, the '2005 Act', seeking some information in respect of the appellant. According to the appellant, the information sought for was his personal information which need not be disclosed and he raised an objection in writing before the said Public Information Officer. Agreeing with the objection of the appellant, the Public Information Officer rejected the aforesaid applications. The aggrieved persons who were seeking information, filed some appeals under the provisions of the 2005 Act before the First Appellate Authority which were rejected.
3. The appellant had filed the writ petition seeking a direction to the Chhattisgarh State Information Commission; for short 'the Commission', not to divulge his personal information to any person who may move any application for disclosure of his personal information. The said petition was dismissed by the learned Single Judge vide the impugned order.

4. Shri Ishan Verma, learned counsel for the appellant emphatically argued that earlier, number of frivolous applications had been filed under the provisions of the 2005 Act intending to harass the appellant. The 2005 Act should not be misused or abused by any person. It is not an uncontrolled right. It is not the spirit of the 2005 Act that 75% of the staff of public authorities should spend 75% of their time in collecting and furnishing the information to applicants instead of discharging their regular duties. He placed reliance on ***Central Board of Secondary Education and Another v. Aditya Bandopadhyay and Others***; (2011) 8 SCC 497, ***Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi and Another***; (2012) 13 SCC 61 and ***Girish Ramchandra Deshpande v. Central Information Commissioner and Others***; (2013) 1 SCC 212.
5. Shri Y.S. Thakur, learned Additional Advocate General for respondents No.1, 2, 4 & 5, and Shri S.S. Tekchandani, learned counsel for the Respondent No.5/Commission supporting the impugned order argued that the same is in conformity with the provisions of the 2005 Act and warrants no interference.
6. The provisions of Section-6(2) and Section-8(1)(j) of the 2005 Act have great importance to resolve the issue in case in hand. They are extracted hereunder:

“6. Request for obtaining information -

(1).....

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contracting him. “

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“8. Exemption from disclosure of information – (1)

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen -

.....

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

7. A conjoint reading of provisions of Section 6(2) and Section 8(1)(j) of the Act makes it clear that absence of a reason in an application requesting information would not be a ground for rejection and also it could not be presumed that it has no relation with any public activity or interest or which would cause unwarranted invasion of the privacy of the individual, and there is no larger public interest to justify the disclosure of such information. Moreover, the plain reading of Section 8(1)(j) of the 2005 Act also makes it clear that it is the Public Information Officer who can decide whether the disclosure of personal information has any relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual or not, by exercising discretion judiciously. Meaning thereby, that such discretion of the said officer cannot be guided or regulated or directed on the apprehension of future harm to a person whose alleged personal information has been sought by some information seeker. It is expected from public officers to perform their duties without prejudice. Any person who has grievance that his alleged personal information should not be supplied to any

person, may project his own case in appropriate forum. Moreover, such person who unsuccessfully objects that his personal information should not be given to any information seeker, he can subsequently file suit, prosecution or follow any other legal proceeding against that person who had sought such information on the ground that such act was not in good faith, before the appropriate forum in accordance with the provisions of Section 21 of the 2005 Act.

8. The above mentioned judicial precedents laid down by the Hon'ble Supreme Court are not applicable to the facts of the present case.
9. On the basis of the aforesaid discussion, we are in complete agreement with the impugned order of the learned Single Judge which is in accordance with the spirit of provisions of the 2005 Act.
10. In the result, we conclude that there is no substantial issue which has been raised in this appeal calling for interference with the impugned order of the learned single Judge.
11. Accordingly, the writ appeal is dismissed. No order as to costs.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE