



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20275 of 2017

Hindu Nadar Uravinmurai,
Nilakottai, (Regn.No.46 of 2015)
Rep. by its President,
O.S.N.M.Narayanan,
S/o.Marimuthu Nadar,
(Aged about 74 years),
D.No.12-1-1A/24,
Shanmuga Nagar,
Nilakottai-624 208,
Dindigul District.

... Petitioner

-vs-

1. The Chief Educational Officer,
Dindigul.

2. The District Educational Officer,
Dindigul.

... Respondents

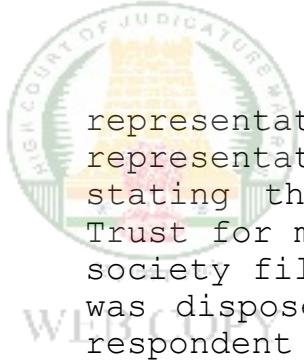
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 16.05.2017 passed in Tha.A.U.Cha.No.23/Aa5/2017 passed by the second respondent and quash the same and consequentially directing the second respondent to furnish copies of all the documents and information required by the petitioner in his petition dated 19.04.2017.

For Petitioner	: Mr.T.R.Jeyapalam
For Respondents	: Mr.M.Alagathevan
	Spl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to quash the impugned order of the 2nd respondent dated 16.05.2017 passed in Tha.A.U.Cha.No.23/Aa5/2017, by which, certain documents/information sought under RTI Act were refused to be furnished. The petitioner also sought a direction to the second respondent to furnish copies of all the documents and information required by the petitioner in his petition dated 19.04.2017.

2. The learned counsel appearing for the petitioner-society would submit that the petitioner-society was registered with the Registrar of Societies on 11.03.2015, which is entitled to nominate the representatives of the school committee and therefore, a



representation was made to the respondents for nominating representatives for school committee, which came to be rejected stating that the school is administered by one Nilakottai Nadar Trust for more than 50 years. Aggrieved by the same, the petitioner-society filed a writ petition in W.P.(MD) No.23 of 2016 and the same was disposed of by this Court on 23.03.2017, directing the second respondent to conduct a fresh enquiry. It is further submitted that pursuant to the said order, the second respondent had again passed an order dated 13.04.2017, by referring to about 27 documents filed by the Trust and its trustees. When the petitioner-society approached the second respondent for furnishing copies of those documents, the impugned order came to be passed, rejecting the request of the petitioner-society. Aggrieved by the same, the petitioner-society is before this Court.

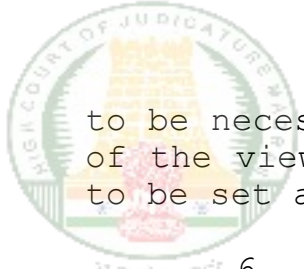
3. Per contra, the learned Special Government Pleader appearing for the respondents, by referring to Paragraph No.10 of the counter affidavit filed by the 2nd respondent, would contend that it is a departmental enquiry and the petitioner-society has no legal right to get certified copies, as those documents are not marked documents. For better appreciation, Paragraph No.10 of the counter affidavit is extracted as follows:

"10. It is further submitted that the petitioner has challenged the communication to the petitioner on his application for right to information. The petitioner is not entitled to get such information from this respondent. Since it is departmental proceedings. Even assuming the petitioner is having a right to get information under the right to information act, the petitioner is having appeal remedy in this said act before the competent authority. The said exercise is not exhausted by the petitioner before seeking remedy before this forum."

Hence, it is prayed that this petition has to be dismissed *in limine*.

4. Heard the learned counsel for the parties.

5. It is seen that in obedience to the order of this Court dated 23.03.2017, the proposal sent by the petitioner-society was considered and after a full-fledged enquiry, it was rejected by an order dated 13.04.2017, in which several documents were relied on by the 2nd respondent. Since the petitioner is inclined to challenge the said order before the concerned Appellate Forum, he sought copies of those documents from the 2nd respondent and the same were refused to be furnished on the reasoning mentioned above. It is pertinent to state here that once an order is passed based on some material documents, it is incumbent upon the authorities to provide the same to the affected parties so as to enable them to effectively substantiate their case before the concerned Higher Forum. In the present case on hand, the request of the petitioner-society was rejected on the sole ground that an institution is requiring those documents and such stand taken by the 2nd respondent cannot be countenanced, as the documents, which form basis for an order, have



to be necessarily furnished to the parties. Therefore, this Court is of the view that the impugned order is un-sustainable and is liable to be set aside.

6. Accordingly, this petition is allowed and the impugned order is set aside. The matter is remitted to the second respondent for consideration of the claim of the petitioner and furnishing the documents to the petitioner-society, of course at the cost of the petitioner-society, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To:

1. The Chief Educational Officer,
Dindigul.

2. The District Educational Officer,
Dindigul.

+One cc to Mr.T.R.Jeyapalam, Advocate, SR.No.91778

+One cc to The Special Government Pleader, SR.No.91692

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W.P(MD)No.20275 of 2017

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