

HONOURABLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO. 32297 OF 2017

Date:21.09.2017

Between:

Mr. Thota Sridhar, S/o. Sadaiah,  
Aged 51 years, Occ: Government Employee,  
Physical Education Teacher, Zilla Parishad  
High School, Raghavapur, Mandal and District  
Peddapally (Erstwhile Karimnagar District) .. Petitioner

And

The State of Telangana, rep., by its  
Principal Secretary, School Education  
Department, Secretariat, Hyderabad  
And others .. Respondents

This Court made the following:



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## ORDER:

Petitioner is working as Physical Education Teacher in Zilla Parishad High School, Raghavapur, Peddapally mandal and district. The 4<sup>th</sup> respondent herein filed application before the Public Information Officer to furnish information under the Right to Information Act, 2005 (Act, 2005). The information sought includes the educational certificates stated to have possessed by the petitioner for securing the job. In response to the notice issued by the Public Information Officer, the Head Master of Zilla Parishad High School addressed a letter dated 15.9.2017 to the petitioner requesting to submit his qualification certificates and appointment certificate. Challenging the same, this writ petition is filed.

2. Learned counsel for petitioner contends that under Section 8 of the Act, 2005, the information sought relates to personal information and disclosure of the same has no relationship to any public activity or interest and, therefore, such information need not be furnished to the Public Information Officer. He further submits, by referring to the provision in Section 11 of the Act, that as information sought is third party information, due procedure as prescribed therein required to be followed and no such procedure is followed and no notice is served on the petitioner by the Public Information Officer and, therefore, the Head Master could not have asked the information from the petitioner.

3. It is not in dispute that 4<sup>th</sup> respondent has applied for information under the Right to Information Act, 2005. Once information is sought, the Public Information Officer is required to respond to the request made. As the information sought by the individual is not available in the office of the District Educational Officer, the Public Information Officer, in turn, requested the Head Master to furnish information. If petitioner has objection on the information sought from

him, it is always open to him to appraise the Head Master or District Educational Officer or concerned Public Information Officer, the requirements of the relevant provisions of the Act, 2005 and that no such information need be furnished by him. Apparently, so far no such endeavour is made by the petitioner, whereas straightaway this writ petition is filed raising the same contentions.

4. As Public Information Officer exercises his power under the Act and in exercise of such power only information was sought, petitioner ought to have informed the Public Information Officer about the requirements of the provisions of the Act and his defence as available and as contended herein. Even before such response is filed by him and invited the decision from the Public Information Officer, petitioner cannot straightaway invoke jurisdiction of this Court, referring to the provision of the Act. Therefore, this Court is not inclined to entertain the writ petition at this stage.

5. Writ petition is disposed of, leaving it open to the petitioner to raise all the objections as available in law to him and as specifically asserted in this writ petition. It is needless to observe that if such objection is raised, the competent authority shall consider the same objectively and take appropriate decision. No costs.

6. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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JUSTICE P NAVEEN RAO

DATE: 21.9.2017  
KKM