

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP- 13260-2017

Date of decision: 2.6.2017

Mohammad Farooque

...Petitioner.

vs.

State Information Commissioner and ors

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE M.M.S.BEDI

Present: - Mr. Ashok Tyagi, Advocate for petitioner.

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M.M.S.BEDI, J. (ORAL)

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Learned counsel for the petitioner contends that petitioner remained posted as Maths Master in the School for 12 years. He was dismissed on account of his poor results. So far as the present petition is concerned, grievance of the petitioner is that he had submitted an application on 8.12.2015 (Annexure P-5) for seeking certain information under the Right to Information Act, 2005 (for short 'RTI Act') which has not been provided to him by the State Public Information Officer, Bhiwani (Haryana).

I have heard learned counsel for the petitioner and gone through the application, which indicates that the petitioner had sought the final result sheets, Gazettes and performance sheets of each and every subject, student wise and all school wise of middle examination of District Mewat. He also sought the similar information of secondary examination of District Mewat and Senior Secondary examination of District Mewat, Secondary examination of District Gurgaon, Secondary examination of District Rohtak and Senior Secondary examination of District Rohtak, besides, Ist semester's

examination and Senior Secondary examination of District Mewat. The said application has been rejected on the ground of bar under Section 8 (1) (j) of the RTI Act.

Learned counsel for the petitioner has vehemently argued that the observations, made by the State Information Commission, Haryana (Annexure P-10) that the petitioner after taking the data of Middle, Matric and Senior Secondary classes and after tallying their fathers name, prepares duplicate mark sheets and sell the same to the students, are unwarranted as there is no material. He has argued that the said observation has been made on the basis of the complaint made by respondent No. 4. He has also argued that the information has been wrongly denied in regard to Section 8 (1) (j) of the RTI Act.

Learned counsel for the petitioner relies upon a judgment of the Co-ordinate Bench of this Court in **Vikas Sharma vs. State of Haryana 2014 (3) SCT 362**, wherein it has been observed that information relating to marks obtained by each of the candidate cannot be said to be a personal information which could cause an unwarranted invasion into the privacy of an individual.

I have gone through the said judgment and am of the opinion that the case of the petitioner is not covered by the observations made in **Vikas Sharma's case (supra)** as in the said case, the scope of fiduciary relationship as mentioned in Section 8 (1) (e) of the RTI Act was interpreted. The case of the petitioner is covered by the provisions of Section 8 (1) (j) of the RTI Act as the information sought by the petitioner is the personal information of the number of students of different schools of different

classes which appear to have no relationship of any public activity or interest. There does not appear to be any larger public interest involved which could justify the directions for disclosure of information sought for.

Learned counsel for the petitioner further submits that the information is required to be produced in view of the directions given by a Division Bench of this Court on 29.6.2015 in **LPA No. 864 of 2015, Mohammad Farooque vs. State of Haryana and others.** With the assistance of learned counsel for the petitioner, I have gone through the order passed by the Division Bench on 29.6.2015 in proceeding regarding his removal from service on the basis of the poor result. A perusal of the said order indicates that the petitioner has been asked to place on record the results of 11 years pertaining to his performance in his service for 11 years. He was not required to produce the results of the 3rd party, having no concern with his case. The said contention is also rejected.

No ground is made out for interference in the order.

Dismissed.

(M.M.S.BEDI)
JUDGE

2.6.2017
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<i>Whether speaking/reasoned</i>	<i>yes/no</i>
<i>Whether reportable</i>	<i>yes/no</i>