

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

CWP-28375-2013

Decided on: May 02, 2017

Dharampal

.... Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present: Mr. Atul Yadav, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

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

Petitioner is working as JBT Teacher in Govt. Girls Primary School, Baghanki, District Gurgaon. He had filed an application before the Public Information Officer-cum-Block Development and Panchayat Officer (Annexure P-1) asking for the following information under the provision of Right to Information Act, 2005 (hereinafter referred to as 'the Act'): -

“1. In the villages/Ward of Panchayat Block, Manesar, regarding collection of data of Social Economic and Caste Survey scheme, the list of employees deputed by the Deputy Commissioner, Gurgaon, be supplied to me, which was sent to your office vide letter No. DRDA/SECC-2011/dated Nil by the Deputy Commissioner, Gurgaon. (The attested copy of the said list be supplied to me).

2. Attested copy of letter No.2383-2423 dated 3.8.2012 issued by you be supplied to me (All the pages of letters No. 2383 to 2423).

3. In the letter No. 2425-2480 dated 3.8.2012 issued by you, the list of all the Govt. schools situated in the villages mentioned in the letter be supplied to me (Alongwith name of village and School).

4. The details/no. of students in the schools of villages as find mentioned in the letter No. 2425-2480 dated 3.8.2012 as on 10.8.2012, be supplied to me alongwith name of village, name of school, and number of total students.

5. The list alongwith the names of Permanent/Guest Teachers working in Govt. schools of villages mentioned in the letter No. 2425-2480 dated 3.8.2012 be supplied to me. Attested copy thereof including Name of teacher and designation be supplied.”

Feeling aggrieved by the action of the respondents in not supplying the information, he filed an appeal before the State Information Commissioner. A perusal of the order of the State Information Commissioner (Annexure P-4) reflects that he has made a statement before the said officer that he has been supplied incomplete information on points No. 1, 3, 4 and 5 of the RTI application. He also prayed for compensation and penalty under Section 19(8)(b) and Section 20(1) of the Act. Following directions were issued by the Chief Information Commissioner, Haryana on 08.03.2013: -

“i) The SPIO-cum-APO O/o ADC, Gurgaon shall provide free of charge authenticated information at point 1 of the RTI application dated 13.08.2012 as agreed by him during hearing within 1 week of the receipt of this order,

ii) the SPIO-cum-BDPO, Gurgaon shall transfer point no. 4 & 5 of the RTI application to the SPIO-cum-Deputy District Education Officer, Gurgaon within 5 days of the receipt of this order.

iii) The SPIO-cum-Deputy District Education Officer, Gurgaon shall furnish, free of cost, information to the appellant within thirty days in accordance with the provision made under section 7(1) of the Act.

iv) The SPIOs as mentioned at serial no. 1 & 2 shall submit a compliance report to the Commission latest by 22.03.2013.”

Petitioner, still not satisfied, has approached this Court claiming that complete information has not been supplied to him.

I have heard counsel for the petitioner and gone through the facts and circumstances of the case. Counsel for the petitioner has submitted that though the petitioner is a JBT Teacher, but he has been deputed to work for purpose of collection of some data by the Principal as such he has sought the information mentioned here-in-above.

I have considered the contention of the counsel for the petitioner and I am of the opinion that no doubt as per provisions of Section 6(2) of the Act, the applicant is not required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him but at the same time the provisions of Section 8 of the Act indicate that exemption has been given from disclosure of certain information. It is a settled principle of law that the information; disclosure of which has got no relationship with public activity or interest or which cause unwarranted invasion of privacy of individual can be withheld and not provided to any applicant. Unless and until the purpose is disclosed, it is difficult for any authority to determine whether the information sought has got any relationship to the public activity or interest. The reason disclosed by the petitioner is a personal reason which does not have any rational nexus to the information sought for by him. The information has already been supplied but the petitioner appears to be insisting for the imposition of penalty and compensation on the Information Officer. The act of the petitioner is apparently contrary to the objects of the Right to Information Act, 2005. This Court is constrained to observe the sacred object of the Right to Information Act, 2005 is being defeated by

seeking information which tantamounts to poking nose to the working of the public authorities and causing obstruction and embarrassment to the public officers as the right of not disclosing the purpose of information has been conferred on the applicant under Section 6(2) of the Act. Whenever it appears from the facts and circumstances of the case that the procedure and process of Right to Information Act, 2005 is misused with an object to embarrass and harass the officials or official of a particular department and the information does not have any rational nexus to the public activity or interest, the application can be declined.

Here, in the present case, sufficient information has already been supplied to the petitioner but he being still dissatisfied with the same, I do not find any ground to issue any further direction.

Petition is dismissed.

(M.M.S. BEDI)
JUDGE

May 02, 2017
Divyanshi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No