

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 8618 of 2017

Date of Decision: April 27, 2017

Balbir Singh Verma

.....Petitioner

Vs.

State Information Commission, Haryana and others

.....Respondents

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

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Present:- Mr.Aman Dhir, Advocate for the petitioner.

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

The petitioner had sought information with respect to 8285 JBT teachers with their ID numbers, name of the school and address, identified thumb impressions/ signatures, SCRB/FSL reports etc. along with the name and designation of the investigating officer, their qualification and also action taken by the Department against the candidates along with some information regarding the affidavit furnished by the Director, Elementary Education, Haryana, on August 2, 2015 in a proforma framed by the petitioner in his application annexure P-1.

In second appeal the State Information Commissioner vide order dated June 28, 2016 has dismissed the said application inter-alia

observing that the information means any material in any form as existed in the record of the public authority. As per the provisions of the Right to Information Act, 2005, the information can be provided only 'as is and where is' basis and not in a particular form.

Counsel for the petitioner has submitted that the petitioner is ready to accept the information 'as is and where as' basis. He seeks the setting aside of the order dated June 28, 2016.

I have heard counsel for the petitioner and gone through the entire order annexure P-4 passed under Section 19 (3) of the Right to Information Act, 2005, for short 'the Act'. A perusal of para 5 of the order indicates that the State Information Commissioner has also taken into consideration the provisions of Section 8 (h) of the Act regarding the information sought for by the petitioner pertaining to the third parties. The complete reading of the impugned order dated June 28, 2016 shows that there are two reasons for dismissal of the claim of the petitioner for seeking information pertaining to 8285 JBT teachers i.e. (i) bar of Section 8 (h) of the Act; and (ii) no provisions for granting information on a particular form as claimed by the petitioner. The dismissal of the application on the above said two grounds does not warrant any interference by this Court as apparently the information sought for is not in public interest as per the law laid down in **Girish Ramachandran Vs. Central Information Commissioner and others**, 2012 (5) RAJ 2005 and secondly the information is connected with the process of investigation in a criminal case

which would bring the information sought under Section 8 (h) of the Act. Some of the information appears to be connected with the investigation under Chapter XII of Cr.P.C. whereas Section 172 of Cr.P.C. prohibits the supply of any information regarding the case diary of the investigating officer which is prepared during the course of investigation.

Taking into consideration the totality of above said circumstances, there is no ground to interfere in the impugned order dated June 28, 2016.

The petition is dismissed.

At this stage, counsel for the petitioner has submitted that the petitioner is an Advocate representing the cause of JBT teachers who are being prosecuted pursuant to the orders passed by this Court in CWP No. 3 of 2011, titled Parveen Kumari Vs. State of Haryana and others.

The objective of the Act is not to permit a party for fishing inquiry pertaining to a particular sequence of events. It will always be open to the petitioner to avail the appropriate remedy during the course of trial in case the circumstances so warrant. But the third party information cannot be permitted to be provided to the petitioner by abusing the provisions of the Act.

April 27, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.