

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 9097 of 2017

Date of decision:1.5.2017

SBBSM Girls College

Petitioner

vs.

D.C. Moga and others

Respondent

Present: Mr. Sameer Sachdeva, Advocate

M.M.S.BEDI,J.

The petitioner claims that it is a self financed charitable institution, being run since 1994. A perusal of order Annexure P-9 dated 20.1.2017 indicates that Public Information Officer i.e. Deputy Commissioner, Moga and DPI (Colleges) Punjab etc. are directing the petitioner to furnish information under the Right to Information Act (for short 'the Act'). The petitioner claims that it is not a public authority as defined in Section 2(h) of the Act as it is neither owned, controlled or financed by any Govt. agency or organization. The said plea of the petitioner though was raised before the authorities under the Act but till date no decision has been taken and the petitioner, being an educational institution, has been repeatedly asked to furnish information.

Notice of motion. On asking of the Court, notice has been accepted by Ms. Anu Pal, AAG. Copy given.

The writ petition is disposed of with a direction that the petitioner will approach the State Public Information Authority or the Appellate Authority exercising powers u/s 19 of the Act within a period of two weeks in the cases where it has been directed to furnish information

under the Act, by placing on record various documents indicating that it does not fall under the provisions of Section 2(h) of the Act and it will be mandatory for the State Public Information Officer or the Appellate Authority, before whom any such objection is raised, to permit the petitioner to place on record relevant record and on appreciation of the said record arrive at a conclusion that the petitioner is or is not a public authority under Section 2(h) of the Act before issuing any direction to it to supply any information. The right of the petitioner will not be prejudiced to approach this Court again.

May 1 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No