

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.456 of 2017
Date of Decision: 27.3.2017

Puneet Kumar

..Appellant

versus

State Information Commission, Haryana through its registrar
and others.

.Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Pardeep Kumar Rapria, Advocate, for the appellant.

RAMENDRA JAIN, J.

The appellant has filed this instant Letters Patent Appeal under Clause X of the Letters Patent, challenging the judgment dated 06.02.2017 passed by the learned Single Judge, dismissing Civil Writ Petition No.2133 of 2017 filed by the petitioner (appellant herein), whereby the complaint dated 29.12.2014 (Annexure P-8) under section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”), was dismissed.

Put pithily, the appellant-petitioner, through an application before the State Public Information Officer-cum-District Education Officer, Hisar, sought information pertaining to different public schools in Haryana regarding their affiliation, area and size of the schools in square meter;

attested copies of NOC of fire safety certificate for the last three years; details of qualification of the teachers; attested copies of last two years salary slips of all staff members; existence of facilities of ramp in class rooms; strength of the students; details of the employees and details of the employees provident fund registration numbers; ESI registration numbers; number of toilets in the school; details of admission; details of labs; the mode of accepting fee and including the information pertaining to the vehicles used by the schools and NOCs provided by the transport department etc. However, being dissatisfied with the response, the appellant filed the first appeal dated 20.8.2014 (Annexure P-2) before the First Appellate Authority-cum-District Education Officer, Hisar. The Deputy District Education Officer, Hisar (The First Appellate Authority), vide letter dated 25.8.2014 (Annexure P-7) informed the appellant for hearing of his appeal and also directed him to be present in person along with relevant records on 01.09.2014 at 11.00 A.M. in the office of District Education Officer, Hisar. It is the case of the appellant that the information sought for under the Act was not supplied to him nor was any action taken against the private schools who did not provide him the requisite information under the Act. Consequently, the appellant preferred a second complaint dated 29.12.2014 (Annexure P-8), which was dismissed vide order dated 22.7.2016 (Annexure P-10) passed by the State Information Commission, Haryana (respondent no.1) observing that the information sought for by the appellant pertains to the private schools, which are neither government aided nor get any kind of grant from the government. Hence, the schools for which the information has been sought, were not covered under the RTI Act. Being aggrieved, the petitioner (appellant herein) filed

Civil Writ Petition No. 2133 of 2017, which was dismissed vide impugned order dated 06.02.2017 passed by the learned Single Judge.

Learned counsel for the appellant contended that though the information sought for by the appellant under the RTI Act relates to private schools, yet they are under direct control of the District Education Officer or the Block Education Officers and every detail thereof is available with the District Education Officer. The observation made by the learned Single Judge that the information sought under the RTI Act, has no relationship to any public activity or interest, is erroneous and thus, is not sustainable in the eyes of law.

We have heard learned counsel for the appellant and gone through the impugned judgment dated 06.02.2017 passed by the learned Single Judge carefully.

A cursory glance of the information sought for by the appellant indicates that neither the appellant has clarified the person, who would be entitled to the information nor has he disclosed in his petition as to how the information sought for by him, is in relationship to any public activity or public interest. Even if it be presumed that the appellant himself intends to seek information personally, then it has to be adjudged on the touchstone of the judicial scrutiny of various relevant provisions of the RTI Act, whether or not the information sought for can be supplied to the appellant. In case the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the requisite information can be supplied to the appellant, especially keeping in view the larger public interest, then the appropriate orders could be passed, but at the same time, the appellant cannot claim these details as a matter of right. In order

to answer the question posed, it would be appropriate at this stage to make a reference to the provisions of section 8(1)(j) of the RTI Act. For facility of ready reference, Section 8 (1)(j) of the RTI Act is reproduced as under:-

“8 Exemption from disclosure of information:- (1)

Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

(a) to (i) XX XX XX

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.”

Considering the provisions of section 8(1)(j) of the RTI Act, referred to above, the learned Single Judge has rightly observed that “it is apparently a personal information regarding the third party which is being sought for by the petitioner...” In our considered opinion, the finding recorded by the learned Single Judge that the information sought for by the appellant appears to be not bona fide and is in the nature of fishing inquiry having no relationship to public activity or public interest” cannot at all be said to be unsustainable in the eyes of law that may warrant interference by this court. We are in full agreement with the view expressed by the learned Single Judge while deciding the Civil Writ petition filed by the petitioner (appellant herein).

In view of the foregoing reasons recorded hereinabove, we do

not find any infirmity or impropriety in the impugned judgment dated 06.02.2017 passed by the learned Single Judge and as such, the same is hereby affirmed.

Letters Patent Appeal is, accordingly, dismissed.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

27.3.2017
VK

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |