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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3915/2014 and CM No. 7891/2014**

JINDAL SCHOOL

..... Petitioner

Through: Mr Nikhil Sharma, Advocate.

versus

M. SRIDHAR ACHARYULU & ANR.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.11.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 29.05.2014 passed by the Central Information Commission (hereafter 'CIC').
2. The learned counsel appearing for the petitioner submits that although CIC has issued directions to the petitioner for providing certain information, the petitioner had no notice of the proceedings before the CIC and the impugned order was passed without hearing the petitioner.
3. The impugned order passed indicates that a submission was made before the CIC that the petitioner had refused to give a copy of the appointment letter to respondent no.2. It is in this context that the CIC had proceeded to issue directions to the petitioner school to discharge its obligation under law and furnish the information sought by the respondent no. 2 to the Directorate of Education, GNCT of Delhi in order that the said information could be provided to respondent no.2.
4. The question whether the petitioner is a public authority within the meaning of Section 2(h) of the Right to Information Act, 2005, although

raised before the CIC, was not considered.

5. In view of the above, the impugned order to the extent that it directs the petitioner to furnish information sought by respondent no.2 to the Directorate of Education, is set aside. No direction can be issued by the CIC to the petitioner without determining whether the petitioner is a public authority and whether it is within the purview of the Right to Information Act, 2005.

6. In view of the above, the matter is remanded to the CIC to consider it afresh and determine the question whether the petitioner is a public authority.

7. It is clarified that all rights and contentions of the parties are left open.

8. The petition and the application are disposed of with the aforesaid directions.

VIBHU BAKHRU, J

NOVEMBER 07, 2017
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