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

+ **W.P.(C) 2302/2015**

NARESH CHAUDHARY

... Petitioner

Through: Petitioner in person.

versus

CENTRAL INFORMATION COMMISSION & ORS ... Respondents

Through: Mr Rahul Sharma and Mr C. K.
Bhatt, Advocates for R-2.

Ms Richa Singh, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.10.2017

1. The petitioner has filed the present writ petition, *inter alia*, impugning an order dated 02.01.2015 (hereinafter 'the impugned order') passed by the Central Information Commission (hereinafter 'the CIC'). The impugned order was passed in an appeal preferred by the petitioner under Section 19 of the Right to Information Act, 2005 (hereafter 'the Act') alleging denial of information sought by him.

2. In the impugned order the CIC has, *inter alia*, passed the following directions:-

"6. The Commission after hearing the submissions made directs the school authorities and Dept. of Education to prepare a comprehensive note with regard to the information sought explaining the motives for seeking such information and post it on the website of the department. If the school still faces any harassment from the Appellant, it is at liberty to take appropriate action as per law."

3. The petitioner had filed a writ petition (being W.P.(C) No.6608/2013 captioned *Naresh Chaudhary v. Govt. of NCT of Delhi & Ors.*) before this Court which was disposed of by the division bench of this Court by an order dated 24.10.2013, by permitting the petitioner to make a representation before respondent nos.1 & 2 and with a further direction to the said respondents to decide the representation as expeditiously as possible.

4. In terms of the aforesaid order, the petitioner made a representation before respondent nos. 1 & 2. Thereafter, on 07.11.2013, he filed an application seeking information as to the status of his complaint and with regard to action taken pursuant to his representation. The Public Information Officer, (hereafter 'PIO') of respondent no. 1 (Directorate of Education Govt. of NCT of Delhi) responded to the petitioner's application providing certain information.

5. The petitioner being dissatisfied by the response of the PIO filed an appeal before the First Appellate Authority (hereafter 'FAA') under Section 19 of the Act, which was disposed of by the FAA by an order dated 03.01.2014 directing the PIO to furnish certain information.

6. Aggrieved by the aforesaid order passed by the FAA, the petitioner preferred a second appeal under Section 19(3) of the Act, which resulted in passing of the impugned order.

7. In these circumstances, it is seen that the only issue to be considered by the CIC was whether the petitioner was entitled to information sought for and whether such information had been supplied to him. However, it is seen that the CIC has completely misdirected itself by attempting to take into account the *inter se* disputes between the parties and further passing the impugned directions as is reproduced above. The said direction is plainly

without jurisdiction and authority of law.

8. The petitioner who appears in person states that the said direction has caused harm to his reputation and is based on a palpably incorrect allegation which has not been established before any competent authority or any Court having jurisdiction. The said contention is not disputed by the respondents. Be that as it may, it is apparent that the direction issued by CIC is without any authority of law. CIC is a body constituted under the Section 12 of the Act to perform functions as set out under the Act. The directions as passed by the CIC in its impugned order cannot be traced to any of the functions as provided under the Act; the CIC being a creature of the statute has to act within the confines of the statutes.

9. In view of the above, the impugned order is set aside.

10. The learned counsel for the respondents states that the information as sought for by the petitioner has been provided. The petitioner disputes the same and states that although some information has been provided, the same is incomplete. In the circumstances, it is directed that the petitioner is at liberty to apply to respondent no.1 clearly specifying the information sought by him. The respondent no.1 shall examine the same and if the petitioner is entitled to the said information, it would be furnished to the petitioner within a period of eight weeks from receipt of such request.

11. The petitioner is also cautioned not to file a prolix application and be very specific as to the information desired by him.

12. The respondents shall also ensure that any note put up against the petitioner is removed from their website as soon as possible and in any event within a period of two weeks from today.

13. The petition is disposed of with the above directions.
14. Order *dasti*.

VIBHU BAKHRU, J

OCTOBER 26, 2017
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