

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.21782 of 2012

and

M.P.No.1 of 2012

Shri.K.Kumarasamy,
Principal (Public Information Officer)
C.B.M.College,
Sakethapuri, Kovaipudur,
Coimbatore. ... Petitioner

Versus

1. The Tamil Nadu State
Information Commission,
2, sir Thiyagaraya Road,
Eldams Road Junction,
Teynampet, Chennai - 600 018.
2. The Joint Director
(Planning and Development),
Directorate of Collegiate Education,
Chennai - 600 006.
3. The Joint Director of
Collegiate Education,
Coimbatore Region,
Coimbatore.
4. N.Ravishankar सत्यमेव जयते.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue of a Writ of Certiorari, to call for the records of the 1st respondent vide in Case No. 15750/Enquiry/C/2011, dated 28.11.2011 and quash the same.

For Petitioner : Mr.S.Sithirai Anandham

For Respondents : Mr.Niranjan Rajagopal for R1,
Mrs.Sri Jeyanthi for R2 and R3,
(Special Government Pleader)

Mr.R.Subramaniam for R4.

O R D E R

The Writ Petitioner is Principal (Public Information Officer), of C.B.M.College, Sakethapuri, Kovaipudur, Coimbatore. The 4th respondent herein had given an application seeking Information under the Right to Information Act, 2005 on 10.02.2011 to the petitioner. The petitioner claimed that he did not have the authority to disclose the information. He therefore kept quiet. He did not give any reply at all. The 4th respondent therefore filed a first appeal on 17.03.2011. A second appeal had also been filed on 18.04.2011, before the 1st respondent. The 1st respondent directed the petitioner to appear for an enquiry on 08.07.2011. The petitioner claims that he had sent a reply on 06.07.2011 expressing inability to attend the proceedings he sought postponement.

2. However, the 1st respondent had passed orders on 28.11.2011. A penalty of Rs.25,000/- was imposed for not providing necessary information. This petitioner had then filed a representation on 17.12.2011 and again on 07.06.2012. The Joint Director of Collegiate Education, namely the 3rd respondent had directed the petitioner to comply with the orders of the 1st respondent. This writ petition had been filed questioning the imposition of penalty of Rs.25,000/- by the 1st respondent.

3. Heard, Mr.S.Sithirai Anandam, learned Counsel appearing for the petitioner, and also Mr.Niranjan Rajagopal, learned counsel who appeared for 1st respondent and Mr.R.Subramaniam, learned Counsel who appeared for the 4th respondent and Mrs.Sri Jeyanthi, learned Special Government Pleader appearing for the 2nd and 3rd respondents.

4. In the impugned order dated 28.11.2011, the 1st respondent had stated that the petitioner should furnish the information and since information was not provided, a penalty of Rs.25,000/- had been imposed exercising the powers under Section 20(1) of the Right to Information Act.

5. In view of the fact that the petitioner had expressed that, he was not actually well and was indisposed to attend the hearing of the 1st respondent, and since provision of information is what the 4th respondent wants, I hold that the petitioner may be directed to furnish the necessary information on or before 07.12.2018.

6. In view of this direction, the writ petition is allowed and the order of the 1st respondent is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vkr/msvm

To

1. The Tamil Nadu State Information Commission,
2, sir Thiyagaraya Road,
Eldams Road Junction,
Teynampet, Chennai - 600 018.
2. The Joint Director
(Planning and Development),
Directorate of Collegiate Education,
Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore.

+1 cc to Mr.S.Sithirai Anandam, Advocate Sr.No.78376
+1 cc to M/s.G.R.Associates, Advocate Sr.No.78405
+1 cc to Mr.R.Subramanian, Advocate Sr.No.78677
+1 cc to The Government Pleader, Sr.No.79194

VBA(CO)
CSL/06.12.2018

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सत्यमेव जयते

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