

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9509 of 2018

&

W.M.P.Nos.11402 and 11403 of 2018

Mr.M.Rajasekaran

.. Petitioner

-vs-

- 1.The Information Commissioner
Tamil Nadu Information Commission
No.2, Thiyagaraya Salai
Teynampet
Chennai- 600 018
- 2.The Assistant Director (Town Panchayats)
Coimbatore Zone, Collectorate
Coimbatore - 641 018
- 3.Mr.S.Gunasekaran
Executive Officer
Town Panchayat
Sulur, Coimbatore District

4.Menaka

... Respondents

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 08.02.2018 passed by the 1st respondent in S.A.No.5051/D/2016 and quash the same and consequently direct the 2nd respondent to furnish all the information sought in the application dated 12.02.2016 as per Section 6 of Right to Information Act, 2005.

For Petitioners:: Mr.E.P.Senniyangiri

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Govt. Pleader for R1 to R2

ORDER

This writ petition has been filed challenging the correctness of the impugned order dated 08.02.2018 passed by the Information Commissioner, Tamil Nadu Information Commission, Chennai, the first respondent herein declining the request of the petitioner to furnish information relating to the personal information of the fourth respondent, who was appointed as Assistant Engineer, on the ground that when the petitioner's application dated 12.02.2016, given by the petitioner to the Public Information Officer was considered, a reply was given by the Public Information Officer on 04.03.2016, specifically rejecting the request of the petitioner to give any information relating to the personal information since it is exempted under Section 8(j) of the Right to Information Act. The petitioner has also preferred an appeal before the second respondent, the Assistant Director (Town Panchayats), who has also accepting the reply given by the Public Information Officer, rejected the same. Even thereafter, the petitioner has preferred a second appeal before the first respondent. On consideration of the same, the first respondent has come to the conclusion that since the fourth respondent has given an objection to the Public Information Officer not to divulge any of her personal information, there is no infirmity in the order passed by the Public Information Officer. Challenging the same, the present writ petition has been filed.

2. Learned counsel appearing for the petitioner submitted that although the petitioner belongs to Scheduled Caste community, he is concerned with the candidates coming from the general communal category getting appointed in the vacancy earmarked for SC/ST candidates. In the same way, 4th respondent also must have got appointed by furnishing fake community certificate impersonating herself as Scheduled Tribe. Only to find out the truth, the petitioner has sought for certain details from the Public Information Officer by giving his application on 12.02.2016 under the Right to Information Act, 2005, but the third respondent in his reply dated 04.03.2016 wrongly mentioned that the information sought for by the petitioner relates to the service particulars of the fourth respondent which was denied as per Rule 8(1), form 7(9) and Section 8(1)(j) of the Right to Information Act, 2005. This apart, the third respondent has also informed the petitioner that the fourth respondent had strongly objected to such disclosure of information to the petitioner. Merely for the reason that the fourth respondent, against whom certain information has been sought, has made an objection claiming exemption from the disclosure, the Public Information Officer cannot refuse to furnish the information. But, this Court finds no infirmity or error in the impugned order passed by the first

respondent. To answer the grievance of the petitioner, it is pertinent to extract Section 8 (g) to 8(j) of the Right to Information Act, 2005:-

"(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(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."

3. A perusal of the above provision clearly shows that some of the information which come under the exemption specified in the aforementioned clauses in the aforementioned section need not be disclosed. When section 8(j) makes it clear that any 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, the petitioner cannot ask for any detail or information relating to a personal details of the 4th respondent. In the present case, the Public Information Officer has rightly informed the petitioner on receipt of an objection from the fourth respondent that her personal details should not be furnished to any one. Therefore, this Court finding that Public Information Officer has rightly replied to the application given by the petitioner, which has been rightly confirmed by the respondents 1 and 2, is not inclined to entertain this writ petition since there is no infirmity in the orders passed by the respondents. The

petitioner also cannot compete for the post of Assistant Engineer.

4. Therefore, this Court finds no justification for the petitioner to press for furnishing any personal details of the fourth respondent, more particularly with regard to her appointment and her eligibility to the post of Assistant Engineer.

Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gpa

To

- 1.The Information Commissioner
Tamil Nadu Information Commission
No.2, Thiyagaraya Salai
Teynampet
Chennai- 600 018
- 2.The Assistant Director (Town Panchayats)
Coimbatore Zone, Collectorate
Coimbatore - 641 018
3. Executive Officer
Town Panchayat
Sulur, Coimbatore District

+lcc to Mr.E.P.Senniyangiri, Advocate sr.no.29011
+lcc to Government Pleader in sr.no.29216

na(co)
nr 15/05/2018

W.P.No.9509 of 2018