

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28098 of 2018

M.Vediyappan

.. Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Information Commission,
No.2, Thyagaraja Road,
Teynampet, Chennai 600 018.
2. The Appellate Authority (RTI Act),
Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
3. The Public Information Officer,
Superintendent of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai 600 008

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to furnish the information sought for by the petitioner in pursuance of the appeal preferred under Section 19(1) of the Right to Information Act, 2005 dated 27.07.2018 received on 30.07.2018 within a stipulated time.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.S.Kathirvel,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to furnish the information sought for by him in pursuance of the appeal preferred under Section 19(1) of the Right to Information Act, 2005, dated 27.07.2018, received on 30.07.2018.

2. According to the learned counsel for the petitioner, the petitioner has made an application on 23.10.2017 before the Additional Deputy Superintendent of Police, Dharmपुरi under the Right to Information Act seeking to furnish certain information about his examination results on payment of necessary charges. On receipt of the said application, the Superintendent of Police has forwarded the same to the third respondent herein on 07.11.2017 in Na.Ka.No.321/RTI/DCRB/DPI/2017 to furnish the information sought for by the petitioner. The third respondent has furnished the information stating that OMR Mark Sheets pertaining to his examination were destroyed, since the period lapsed for maintaining the records. Since the petitioner felt that the said reply is evasive, again, the petitioner has made an application on 12.03.2018 under the RTI Act to the third respondent herein seeking certain other information about his examination in respect of the OMR Mark Sheet, etc. On receipt of such application, the third respondent has furnished certain particulars. Since the petitioner was not satisfied with this reply, he made an Appeal to the appellate authority/second respondent herein on 14.05.2018. But, no information was furnished. Hence, the petitioner has preferred another Appeal before the first respondent under Section 19(1) of the said Act on 18.06.2018 with all necessary details. On receipt of the same, the first respondent has sent a communication dated 13.07.2018 in letter No.14386/RTI/2018-1 to the petitioner to follow the procedures as stipulated under the said Act. Thereafter, the petitioner has made a further detailed Appeal again under Section 19(1) of the Act on 27.07.2018, which was received by the first respondent on 30.07.2018. But, till date, no enquiry has been conducted by the first respondent. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's Appeal, dated 27.07.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srn
To

1. The Commissioner,
Tamil Nadu Information Commission,
No.2, Thyagaraja Road,
Teynampet, Chennai 600 018.
2. The Appellate Authority (RTI Act),
Director General of Police,
No.601, Dr.Radhakrishnan Salai,
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3. The Public Information Officer,
Superintendent of Police,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore, Chennai 600 008

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.83863

W.P.No.28098 of 2018

RV(CO)
GSP(26/12/2018)

सत्यमेव जयते

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