

\$~19

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

+ **W.P.(C) 713/2018**

AMAR SINGH

..... Petitioner

Through: Ms Megha Bhal, Advocate.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Gautam Narayan, ASC with Mr
R. A. Iyer and Ms Mahamaya
Chatterjee, Advocates for R-1 & R-2
with Mr Yogesh G., DEO, Zone 11,
DOE.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

24.01.2018

CM No.3056/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 713/2018

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 21.09.2017 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC'), whereby the petitioner's Second Appeal under Section 19(3) of the Right to Information Act, 2005 (hereafter 'the Act') was disposed of by directing respondent no.1 to provide the audit report relating to the affairs of respondent no.3 school as submitted in terms of Rule 180 of the Delhi Education Rules, 1973 (hereafter 'the Rules').

3. The learned counsel for the petitioner submits that the said decision is erroneous as in addition to Rule 180 of the Rules, respondent no.1 is also empowered to call for further information from all schools and inquire into the same. She contends that, therefore, the CIC has erred in not directing respondent no.1 to provide such information.

4. The aforesaid contention is unmerited. The fact that the public authority has the power to call for certain information does not make it mandatory for the said authority to seek that information and provide the same to any information seeker under the provisions of the Act. The public authority can only provide the information as is available with it provided disclosure of such information is not exempt under Section 8 of the Act.

5. In view of the above, this Court finds no infirmity with the decision of the CIC. However, if respondent no.1 has information other than the audit report pertaining to the affairs of respondent no.3, it would be open for the petitioner to seek the same. Needless to mention that such information would be provided to the petitioner subject to the provisions of the Act.

6. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

JANUARY 24, 2018
MK