

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
101**

CWP-1551-2019

Date of decision: 21.01.2019

Rajnish

...PETITIONER

VS.

Maharishi Dayanand University, Rohtak

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunil Kumar Nehra, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for a writ of mandamus directing the respondent to supply the information sought by the petitioner vide application dated 10.12.2018 (Annexure P-1). He has approached this Court on completion of one months' time by asserting that he has not been supplied the requisite information. It has been asserted that the petitioner requires this information for adjudication of his case pending before the Apex Court. Submission has also been made that as per Section 76 of the Indian Evidence Act, 1872 read with Section 4 of the Right to Information Act, the said information was required to be uploaded on the website. Thus, a mandamus is prayed for.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the records of the case.

As regards the contention of the learned counsel for the

petitioner that the information was required to be uploaded on the website as per Section 4 of the Right to Information Act, 2005 read with Section 76 of the Indian Evidence Act, 1872, suffice it to say that it is for the competent authority to consider as to whether the said information would fall within the provisions of Section 4 of the Right to Information Act or not. The said aspect needs to be first gone into as per the authorities specified under the Right to Information Act, for which the mode and the procedure stands prescribed.

In the light of the fact that the petitioner has sought information under the Right to Information Act, which, according to the petitioner, has not been supplied to him despite expiry of one months' time, he has a proper remedy of filing an appeal against the in-action on the part of the respondent which remedy has not been availed by the petitioner.

In view of the above and in the light of the fact that the petitioner has a statutory remedy available to him, the present writ petition stands disposed of with liberty to the petitioner to avail of his remedy in accordance with law.

January 21, 2019*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No