

**C.M. NO.5190 OF 2019 &
CIVIL WRIT PETITION NO.7882 OF 2019**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**C.M. NO.5190 OF 2019 &
CIVIL WRIT PETITION NO.7882 OF 2019
DATE OF DECISION: APRIL 09, 2019**

Deep Chand

.....Petitioner

VERSUS

State Information Commission, Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Amit Kumar Ghosh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

C.M. No.5190 of 2019

Application is allowed as prayed for subject to all just exceptions.

Document, Annexure P-14, which is photo copy of 2nd appeal filed under RTI Act, is taken on record.

C.W.P. No.7882 of 2019

Prayer in this writ petition is for quashing of order dated 31.01.2019 (Annexure P-1) passed by the State Information Commissioner, Haryana, whereby penalty of ₹25,000/- has been imposed upon the petitioner for not supplying the information, which was available in the office of the petitioner within the time stipulated under the Right to Information Act.

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

The State Information Commission has proceeded to accept the plea of the Sky World School, Panchkula-respondent No.4 that the information relatable to points 2 and 3 cannot be supplied to applicant-respondent No.3 as it relates to the personal information of the private institute, which would be effecting the independence and functioning of the school. Information on points 1 and 4, which related to supply of form VI for the last four years and the details of recognition/affiliation of the Sky World School, Panchkula, from Haryana School Education Department, which was available in the office of the petitioner, the same has only been supplied after the directions issued by the State Information Commission vide order dated 17.10.2018 (Annexue P-14).

The plea of counsel for the petitioner that the petitioner, on receipt of the application, had forwarded the said application under the Right to Information Act to the Sky World School-respondent No.4, for supplying the said information and, therefore, the liability, if any, was of private respondent No.4, which did not supply the said information, suffice it to say that as regards points 2 and 3 of the application, which was supplied by respondent No.3 on 04.05.2018 (Annexure P-2), the action of the petitioner is fully justified but as regards points 1 and 4, the said information, being available in the office of the petitioner, was required to be supplied by him, which he failed to do so within the time stipulated. The order as passed by the State Information commission, being in consonance with the statutory provisions and based upon proper appreciation of the

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facts and circumstances of the case, do not call for any interference by this Court.

The writ petition, therefore, stands dismissed.

April 09, 2019
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No