

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

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**CIVIL WRIT PETITION NO.26943 OF 2019
DATE OF DECISION: SEPTEMBER 20, 2019**

Naresh Kumar

.....Petitioner

VERSUS

State Information Commission and others

....Respondents

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

Present: Mr. Daya Nand Gautam, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, challenging the order dated 29.08.2018 (Annexure P-12) and order dated 14.11.2018 (Annexure P-15) passed by the State Information Commission, Haryana, whereby he has been initially issued a show cause notice for imposition of punishment and thereafter a punishment of ₹20,000/- was imposed upon him for non-compliance of the order and non-supply of the information even beyond the period specified by the Commission.

It is the contention of learned counsel for the petitioner that the application was filed by respondent No.5-Brijpal Singh Parmar on 05.03.2018 (Annexure P-1) for seeking information relating to various aspects in the private schools. As per the petitioner, the said application of respondent No.5, which was received on 09.03.2018 (Annexure P-2), was forwarded to the concerned private schools relating to point No.3 with a

direction for supplying the information within a period of three days. K.M.Public School had taken an objection with regard to the applicability of the Right to Information Act, 2005 (for short, “the 2005 Act”) on the pleas that the school having not received any grant from the Government or any statutory agency, was not amenable to the 2005 Act. He, however, contends that after making various efforts, petitioner has been able to get some information, which was supplied to respondent No.5 before the State Information Commission. His further contention is that the time consumed was because of the fact that the information was not readily available in the office and the petitioner being dependent upon the information to be supplied by the private schools, which he did not receive and, therefore, was unable to supply the same within the time stipulated under the 2005 Act. He, therefore, contends that the order imposing punishment upon the petitioner is not sustainable and, therefore, the impugned orders deserve to be set-aside.

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

As far as the plea of the petitioner that the petitioner had taken prompt action on receipt of the application, the same cannot be said to be without any basis as on receipt of the application under the 2005 Act, he had immediately initiated the process of collecting the information. However, perusal of the order dated 14.11.2018 (Annexure P-15) passed by the State Information Commission, Haryana, would indicate that the petitioner had not taken the objection, if any, with regard to non-supply of information as the said information could not be supplied because of the provisions as

contained in Section 2(h) of the 2005 Act. It would not be out of way to mention here that prior thereto, no such plea had been taken by the petitioner. An order dated 29.08.2018 (Annexure P-12) has been passed by the State Information Commission, observing that the plea which has been taken by the petitioner to be an after thought and to wriggle out of the notice, which has been issued under Section 20(1) of the 2005 Act.

The plea of the petitioner, as taken therein, has rightly been rejected by the State Information Commission, Haryana. The punishment as imposed upon the petitioner by the State Information Commission is in accordance with law and as per the mandate of the statute, which do not call for any interference by this Court in exercise of its writ jurisdiction.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

September 20, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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