

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
102

CWP-27410-2019

Date of decision: 25.09.2019

DAV COLLEGE TRUST AND MANAGEMENT SOCIETY AND
ANOTHER

...PETITIONERS

VS.

STATE INFORMATION COMMISSIONER HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rajiv Kataria, Advocate,
for the petitioners.

Mr. Ravi Pratap Singh, AAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 24.09.2019, following order was passed by this Court:-

“Learned counsel for the petitioners states that reply dated 28.06.2019 (Annexure P-9) alongwith a forwarding letter dated 04.07.2019, was filed in the Registry of the State Information Commission, Haryana, on 05.07.2019, which has been duly stamped by the Registry. He contends that alongwith the reply, which was duly signed by the counsel, power of attorney has also been attached and even rejoinder having been filed by respondent No.2 on 08.07.2019 (Annexure P-10) through email, the order impugned dated 29.08.2019 (Annexure P-1) passed by the State Information Commission, Haryana, is contrary to the records, where it has been mentioned that no reply has been filed by the State Public

Information Officer.

On the asking of the Court, one set of the writ petition has been supplied to Mr.Ravi Pratap Singh, Assistant Advocate General, Haryana. Let another set of writ petition be handed over to him during the course of the day under proper receipt from him, who shall ensure that complete records of Appeal No.1646 of 2019 titled as Anil Bhatia Vs. SPIO-cum-Principal, D.N.Post Graduate College, Hisar and another is made available to the Court on the next date of hearing.

List on **25.09.2019**.

Copy of the order be given *dasti* under the signatures of the Bench Secretary of this Court.”

Learned counsel for the State, on instructions from Sh. Yagya Dutt, Under Secretary, State Information Commission, Haryana, informs the Court that the assertions, as made by the counsel for the petitioners on facts, are correct as the reply of the petitioners as well as the rejoinder of respondent No. 2 are already on record along with the Power of Attorney of the counsel who had appeared before the State Information Commission when the order dated 29.08.2019 (Annexure P-1) was passed by the State Information Commission.

If that be so, the order dated 29.08.2019 (Annexure P-1) cannot sustain and deserves to be set aside.

Ordered accordingly.

The case is now fixed for 23.12.2019 at Hisar.

Let the petitioners in the present writ petition appear before the State Information Commission, Haryana, through counsel on 01.10.2019

and thereafter, the Commission shall deal with the matter in accordance with law.

It goes without saying that all the pleas, which have been taken by the petitioners in their written statement, will have to be considered by the State Information Commission while passing an appropriate order.

Notice has not been issued to respondent No. 2 in this case for the simple reason that the Court has not gone into the merits of the case and has based its order on the records of the State Information Commission which have been produced in Court in compliance with the order dated 24.09.2019 passed by this Court.

Writ petition stands disposed of in above terms.

September 25, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No