

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6600 of 2018

R.Kugan

...Petitioner

-vs-

1. The Tamilnadu Information Commission
No.2, Thyagarayar Road
Near Aalayamman Koil
Eldoms Road Junction
Thenampettai
Chennai - 600 018.
2. The Right to Information Officer
District Schedule Caste and
Schedule Tribe Welfare Department
Kancheepuram
Kancheepuram District.
3. The Public Information Officer
The Head Master
Government Higher Secondary School
Kovur, Chennai - 128.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the First Respondent order dated 21.07.2017 and quash the same and consequently direct the Second Respondent and to produce the particulars as specifically mentioned in representation dated 21.07.2015.

For Petitioner : Ms. B.Jaya

For Respondents : Mr. Niranjan Rajagopalan (For R1)
for M/s. G.R. Associates

Mr. D.Sathyaraj,
Special Government Pleader (for R2 & R3)

O R D E R
(through video conference)

Heard Ms. B.Jaya, Learned Counsel for the Petitioner, Mr. Niranjan Rajagopalan, Learned Counsel for the First Respondent and Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, he has made an application under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) before the Third Respondent raising the following queries for information:-

- "(a) the scholarship paid for the year 2005-2006 for the students studied in 11th standard and for the year 2006-2007 for the students studied in 12th standard in the 3rd respondent's school.
- (b) If the scholarship paid the details of the students who received the scholarship amount and what amount they received.
- (c) If the scholarship not paid for the above period for what purpose the scholarship was not paid.
- (d) For the above period who is worked as Head Master in the 3rd respondent, his name, his address, what is his salary, if he has retired what is his pension amount, and the statement of account of where he has bank account?"

As there was no response to the same, the Petitioner has preferred an appeal under Section 19(1) of the Act before the Second Respondent, who had by an order dated 23.07.2015 required the Third Respondent to furnish information to the Petitioner. In furtherance thereto, the Third Respondent by reply dated 18.11.2015 had furnished available information in respect of query nos. 1 to 3 but did not furnish any information regarding query no. 4. The Petitioner, who was not satisfied with the reply given for all the queries, filed an Second Appeal in S.A. No.12028/D/2015 (MP. 16020/D/2015) under Section 19(3) of the Act before the First Respondent, who after hearing the parties had by an order dated 21.07.2017 accepted the contention of the Second and Third Respondents that after the information for query nos. 1 to 3 had been provided to the Petitioner on 18.11.2015, the records of the Third Respondent had been destroyed by the heavy floods caused due to torrential rains in December 2015 and in consequence of which, it would not be possible to provide any further information in respect of query

nos. 1 to 3. However, it was held that the information sought in query no. 4 could be provided to the Petitioner only after carrying out the procedure prescribed in Section 11 of the Act.

3. The Petitioner has challenged the order passed by the First Respondent in this Writ Petition. Since there does not appear to be any infirmity in the decision-making process adopted by the First Respondent warranting any interference by this Court in the exercise of powers of judicial review under Article 226 of the Constitution of India, the impugned order is affirmed. The Third Respondent shall follow the procedure under Section 11 of the Act in respect of the information sought about the third party in respect of query no. 4 and file a report in that regard before the First Respondent by 30.09.2020.

4. The Second Appeal in S.A. No.12028/D/2015 (MP. 16020/D/2015) filed by the Petitioner shall be listed before the First Respondent on 01.10.2020 to ascertain compliance of the impugned order, and the Petitioner and the Second and Third Respondents shall appear for that hearing without fail. If the First Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the date of hearing to which it is adjourned in the prescribed manner. The First Respondent shall afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice and shall pass reasoned further orders on merits and in accordance with law.

Accordingly, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Maya/dm

To

1. The Tamilnadu Information Commission
No.2, Thyagarayar Road
Near Aalayamman Koil
Eldoms Road Junction
Thenampettai
Chennai - 600 018.

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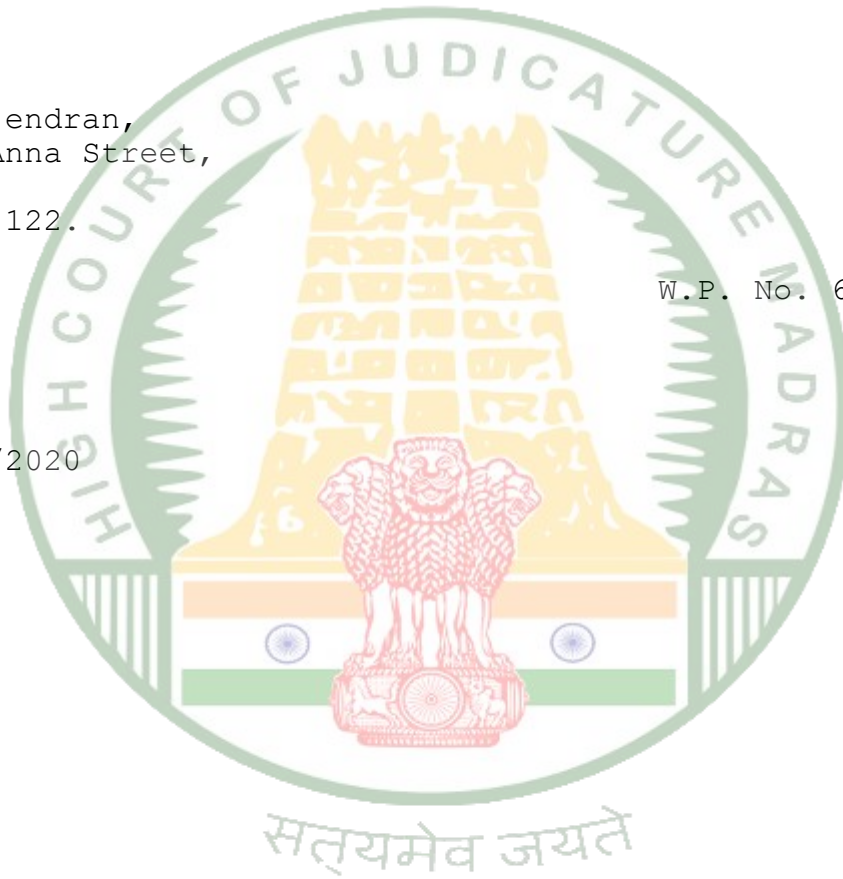
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3. The Public Information Officer
The Head Master
Government Higher Secondary School
Kovur, Chennai - 128.

Copy to

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S/o. M.Rajendran,
No. 230, Anna Street,
Mangadu,
Chennai - 122.

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RV(CO)
KKV/16/09/2020



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