

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

**CWP No. 30011 of 2018 (O & M)
and other connected cases**

DATE OF DECISION : 10.11.2020

Sarv Vidyalya Sangh Haryana ...Petitioner

Versus

The State of Haryana and others ...Respondents

CWP No. 11525 of 2018 (O&M)

Lal Bahadur Shastri Senior Secondary School and others ...Petitioners

Versus

The State of Haryana and others ...Respondents

CWP No. 9084 of 2020 (O & M)

Sarva Haryana Private School Trust ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Pankaj Maini, Advocate,
for the petitioner(s).

Ms. Mamta Talwar, DAG, Haryana.

Ms. Abhinav Aggarwal, Advocate,
for the intervener.

Mr. P. K. Rapria, Advocate,
for respondent No.5.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Vide this common order, bunch of four afore mentioned petitions
are being disposed of. Common questions of law and facts are involved therein.

Facts/annexures are being referred from CWP No. 30011 of 2018.

2. Petitioner, a Trust registered under the Indian Trust Act, *inter-alia*, seeks issuance of a writ in the nature of certiorari to quash the impugned letter/order dated 17.05.2018 (Annexure P-4) passed by the Information Officer under the Right to Information Act, 2005 (hereinafter referred to as “RTI Act”).
3. Vide impugned order/letter, the Information Officer has directed the member schools of the petitioner-Trust to provide requisite documents sought by information seeker under RTI Act.
4. At the outset, learned counsel for the respondents and intervener object to the maintainability of the writ petition on the ground that appellate remedy under Section 19 of the RTI Act has not been exhausted.
5. Per contra, learned counsel for the petitioner(s) submits that what has been purportedly sought, cannot be termed as an information under the RTI Act. Information sought from the School is to provide the total number of students studying in a private School, by providing class-wise data for the year 2016-2017 and 2019-2020 and; number of buses used for transportation of students. Information sought also includes providing Registration Certificate and other details of the buses.
6. Learned counsel for the petitioner relies on a Single Bench judgment dated 06.02.2017 of this Court rendered in CWP No. 2133 of 2017, to contend that petitioner being a registered Trust, is not covered under RTI Act. He submits that intra court appeal filed against the Single Bench judgment vide LPA No.456 of 2017 was also dismissed with costs. He submits that President of the petitioner-Trust had filed an application/representation dated 29.10.2018 (Annexure P-5) under Section 11 of RTI Act pointing out the aforesaid grounds/contentions. Notwithstanding, the concerned information officer in the office of respondent No.4 has directed the members of the Trust to provide the documents within a period of two days.

7. Be that as it may, without advertent to the merits of case, I am in agreement with the argument of learned counsel for the respondents/intervener that the petitioner ought to have first exhausted its alternative remedy before approaching this Court.

8. In the premise, all the above mentioned petitions are disposed of with liberty to the petitioner(s) to seek appropriate alternative remedy under section 19 of the Right to Information Act, 2005 within a period of four weeks from date the date when of soft copy of the instant order being made available on the High court website.

9. In case an appeal as aforesaid is filed, the same shall be entertained by giving benefit of period of pendency of the writ petitions before this court while calculating limitation. Till the appeal is listed for hearing before the appropriate Appellate Authority, operation of the impugned order/letter dated 17.05.2018 (Annexure P-4) passed by the Information Officer shall remain stayed. The Appellate Authority shall be at liberty to pass further orders to vacate the stay and/or modify the same after hearing all the parties concerned. All the objections/contentions raised by respective parties before this court are kept open. Parties are at liberty to agitate the same before the appellate authority.

10. Photocopy of this order be placed on the files of other connected cases.

NOVEMBER 10, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No