

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

C O R A M

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.6899 of 2012 &  
M.P.No.2 of 2012

The Registrar General of  
Madras High Court,  
Chennai-600 104.

...

Petitioner

vs.

S.Karnan

...

Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the records and orders passed by the Tamil Nadu Information Commission relating to case No.2165/Enquiry/2012 dated 27.02.2012 and quash the same.

For Petitioner : Mr.B.Vijay

For Respondent : No appearance

O R D E R

The Petitioner challenges the order dated 27.02.2012 of the Tamil Nadu Information Commission in case No.2165/Enquiry/2012.

2. I heard Mr.B.Vijay, the learned counsel for the Petitioner

3. The Party-in-person did not appear at the hearings on 10.12.2020 and 17.12.2020. Accordingly, in order to provide a final opportunity, the matter was posted for hearing today. Once again, in spite of the name of the Respondent being printed in the cause list, no one appears for the Respondent.

4. The learned counsel for the Petitioner submits that the Respondent had requested for information which is not available with the Petitioner. In particular, the Respondent requested for information about the candidates who took the examination in Tamil successfully as also details of marks obtained by the candidate's community-wise in a particular order. Both on account of the fact that the information requested for is not available with the Petitioner and by relying upon the exemptions under Section 8 of the Right to Information Act, 2005, the Petitioner did not provide the information requested for by the Respondent.

5. In these facts and circumstances, Mr.B.Vijay submits that the impugned order is liable to be set aside inasmuch as it directs the Petitioner to provide information which is not available with it. To put it differently, Mr.B.Vijay's contention is that the Petitioner cannot be saddled with the burden of putting together the information requested for by the Respondent in the form and manner demanded by him and then provide the same.

6. Upon consideration of the said submissions and on examining the Right to Information Act, 2005, I find that this law enables a person to request for information which is available with a public authority. In case the requested information is not available, it is open to the public authority to decline to provide the same. In the present case, the information requested for related to persons who took the examination successfully in Tamil and also the details of marks obtained by candidates community-wise.

6. The Petitioner does not prepare and maintain a list of candidates who successfully took the examination in the Tamil language or a community-wise list of marks scored by candidates because the same is not warranted by the selection process. In such circumstances, there is no statutory obligation to draw on the base/raw data and prepare such lists at the request of the Respondent. The impugned order directing the Petitioner to do so is, therefore, unsustainable.

7. In the result, the writ petition is allowed by quashing the impugned order dated 27.02.2012 of the Tamil Nadu Information Commission, Chennai. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

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To,

The Assistant Registrar,  
Tamil Nadu Information Commission,  
No.2,Thyagaraya Nagar, Thenampet,  
Chennai.

Copy to:

The Registrar General  
High Court,Madras.

2. The Section Officer,  
Legal Cell Section, High Court,Madras

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& M.P.No.2 of 2012