



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.12.2021

CORAM:

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI
W.P.No. 10115 of 2021
and W.M.P.No.10739 of 2021

G.Karthikeyan

... Petitioner

/Vs/

1. The Chairman,
Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai 600 018
2. The Joint Director of Elementary School Education
cum Public Information Officer (RTI),
Chennai 600 006
3. The District Educational Officer cum
the Public Information Officer (RTI)
Thiruvarur,
Thiruvarur District.
4. The Appellate Officer (RTI),
Thangam Govt. Aided Middle School,
Keelatheru, Nallamangudi,
Nannilam Taluka,
Thiruvarur District.
5. The Assistant Public Information Officer, (RTI),
Thangam Government Aided Middle School,
Keelatheru, Nallamangudi,
Nannilam Taluka,
Thiruvarur District.

6. Sivakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying Writ of Mandamus, directing the 1st Respondent to initiate the proceedings as per the order dated 24.1.2020 in SA. 5383/D/2017 and consequently initiate the Disciplinary proceedings against the 3 to 6 Respondents for non-compliance of the directions and to impose cost to the Respondents.

For Petitioner : Mr.G.Prabhakar

For R-1 : Mr.C.Vigneswaran

For RR 2 & 3 : Stalin Abimanyu,
Additional Government Pleader



For RR 4 - 6 : Mr. M.Thamizhavel

ORDER

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The present petition has been filed seeking issuance of a Writ of Mandamus to directing the 1st Respondent to initiate the proceeding pursuant to the order dated 24.01.2020 in SA 5383/D/017 and to initiate the disciplinary proceedings against the respondents 3 to 5 for non-compliance of the directions of the aforesaid order and impose cost for the same.

2. The case of the petitioner is that the petitioner's grandfather had started Government Middle School at Nannilam and later its name was changed to "Thangam Government Aided School" which was run for the purpose of imparting education to the needy children by charging low fees. Later, the school has lost its credential among the public due to improper management of the School. The petitioner being one of the former students of the school and being concerned about the welfare of the school, had approached the school with regard to quality of education being imparted there, for which there was no proper reply. Therefore, the petitioner sent an application 18.02.2017 through Right to Information Act to the 5th respondent, pursuant to which the reply was sent on 21.03.2017 with incomplete information by the 6th respondent.

3. Aggrieved by the same, the petitioner preferred an appeal before the 4th respondent under the Act, and though the same was communicated, respondent therein had failed to appear before the Appellate Authority. Thereafter, the petitioner preferred second appeal under the Act, against the 5th respondent in which due to the non appearance of the respondents, an order was passed on 24.01.2020 by the 1st respondent in favour of the petitioner directing the respondent therein to provide complete information sought for by the petitioner within a period of one week from the date of receipt of a copy of this order, however, the same was not complied with by the 6th respondent. Therefore, the petitioner made a representation dated 01.07.2020 to the 1st respondent herein. However, till date no action has been taken on the same. Hence the present Writ Petition is filed seeking the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 6th respondent herein to implement the order dated 21.04.2020 passed by the 1st respondent within the time frame fixed by this Court.



5. Learned counsel for 6th respondent submits that pursuant to the petitioner's application dated 18.02.2017 under the Right to Information Act, 2007, the information sought for by the petitioner was already provided by the 6th respondent vide reply dated 21.03.2017. However, the present petition has been filed only in order to harass the management of the school. Hence, the present petition is liable to be dismissed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 6th respondent herein to implement the order dated 24.01.2020 passed by the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//
Sub Assistant Registrar

NHS

To

1. The Chairman,
Tamil Nadu Information Commission,
No.2, Thiyagaraya Road, Teynampet, Chennai 600 018
2. The Joint Director of Elementary School Education
cum Public Information Officer (RTI), Chennai 600 006
3. The District Educational Officer cum
the Public Information Officer (RTI)
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4. The Appellate Officer (RTI),
Thangam Govt. Aided Middle School,
Keelatheru, Nallamangudi,
Nannilam Taluka, Thiruvarur District.
5. The Assistant Public Information Officer, (RTI),
Thangam Government Aided Middle School,
Keelatheru, Nallamangudi,
Nannilam Taluka, Thiruvarur District.

+1 cc to Mr.M.Thamizhavel, Advocate Sr.NO. 69374
+1 cc to Mr. G.Prabhakar, Advocate Sr.NO.69385
+1 cc to Government Pleader Sr.NO. 69760

W.P.No. 10115 of 2021

gpl (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(27.01.2022)