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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No. 9809 of 2020

and

W.M.P.No.11923 of 2020

The Principal,
Dhanabagiyam Krishnasamy Mudaliar
College for Women (Autonomous),
Sainathapuram,
Vellore - 632 001.

... Petitioner

-vs-

1. The Assistant Registrar,
Tamilnadu Information Commission,
No. 2, Sir Thyiagarayar Road,
Teynampet, Chennai - 600 018.

2. I. Elangovan

3. The Regional Joint Director of
Collegiate Education,
Office of the Regional Joint
Director of Collegiate Education,
Gandhi Nagar, Vellore - 632 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records culminating in the proceedings and order dated 24.02.2020 in S.A. No. 17188/D/2018 on the file of the First Respondent and quash the same and consequently forbear the Respondents from requiring the Petitioner to furnish the information in respect of self-financing courses run without any government-grant-in-aid by the management of Petitioner College to the Second Respondent.

For Petitioner : Mr. K. Shakespeare

For Respondents : Mr. Niranjana Rajagopalan,
Standing Counsel (for R1)

Mr. Karthigaibalan,
Government Advocate (for R3)



O R D E R
(through video conference)

This Writ Petition has been filed for quashing the proceedings and order dated 24.02.2020 in S.A. No. 17188/D/2018 on the file of the First Respondent and consequently, forbearing the Respondents from requiring the Petitioner to furnish the information in respect of self-financing courses run without any government-grant-in-aid by the management of Petitioner College to the Second Respondent.

2. The case of the Petitioner is as follows:-

The Petitioner College is imparting Education at Vellore Region without any blemish for the past 37 years. It is one of the reputed colleges in Vellore region. Since the Government has stopped giving aid in 1986, the Management investing its own funds created separate infrastructure and started several unaided courses. The Petitioner College has 5 UG courses in aided stream and 14 UG Courses, 12 PG Courses, 10 M.Phil courses and 8 Ph.D. Degree Courses in the unaided stream, having 972 students in aided course and 2980 students in unaided courses (totally about 3952 students under both the aided and unaided stream including 69 Research Scholars of the unaided stream).

On 19.03.2008, the Second Respondent, since retired, submitted a letter under Right to Information Act, 2005 (hereinafter referred to as 'RTI Act' for short) to the Office of the Third Respondent (in the name of Public Information Officer). In the said application, the Petitioner College was not even a party.

On 19.03.2009, without hearing or affording opportunity to the Petitioner College, the First Respondent directed the Third Respondent to obtain and disclose the information related to self-financing stream even, when informed requested by the Second Respondent was furnished to him by the Secretary of the College in respect of the aided stream as provided under Section 10 of the RTI Act, by the College. Aggrieved over the same, the Petitioner College filed a Writ Petition in W.P. No. 11182 of 2009, by which an order dated 16.08.2019 came to be passed by this Court setting aside the order of the First and Third Respondents on the sole ground of violation of principles of natural justice. Despite the order dated 16.08.2019, the impugned order dated 24.02.2020 was



passed without hearing the Petitioner College in the Second Appeal filed by the Second Respondent under RTI calling upon the Petitioner College for enquiry.

3. A Counter Affidavit has been filed by the Third Respondent stating that though the Petitioner College claims that it is not governed by the provisions of the Act, it is admitted by the Petitioner College in the Affidavit filed in support of the writ petition that it is receiving grant in the form of salary to teaching and non-teaching staff. According to the College, apart from aided courses, it is also having unaided courses and once aid is received from Government, that along is sufficient to hold that it is a public authority and the grant received cannot be compared to the total expenditure involved in running of the college.

4. Heard Learned Counsel appearing on either side and perused the materials placed on record.

5. In view of the above, since the petitioner is a public authority and they are in purview of RTI Act, this Court is not inclined to interfere order impugned and hence, this Court directs the petitioner to furnish all the details with regard to the information sought for by the first respondent within a period of two weeks from the date of receipt of a copy of this order and the first respondent, after hearing all parties concerned, shall pass appropriate orders in accordance with law within a period of six weeks thereafter.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CJ Conf)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Assistant Registrar,
Tamilnadu Information Commission,
No. 2, Sir Thyagarayar Road,
Teynampet, Chennai - 600 018.



2. The Regional Joint Director of
Collegiate Education,
Office of the Regional
Joint Director of Collegiate Education,
Gandhi Nagar,
Vellore - 632 006.

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+1cc to Mr.K.Shakespeare, Advocate SR.No.58673
+1cc to the Government Pleader SR.No.58986

W.P. No. 9809 of 2020

RR(CO)
GN(22/12/2021)