



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 23979 of 2021

S. Sudha

.. Petitioner

Versus

1. The Tamilnadu State Information Commissioner
No.19, Pernpettai
Nandanam
Chennai - 600 035

2. The Public Information Officer/District
Educational Officer
Sendhura - 621 714
Ariyalur

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to take necessary action against the 2nd respondent herein as per Section 20(1) and 20(2) of the Right to Information Act, 2005 and pass orders within the time frame stipulated by this Hon'ble Court based on the Petitioner's representation dated 04.09.2021.

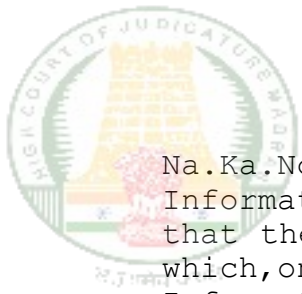
For Petitioner : Mr.R.S. Selvam

For Respondents : Mr. Niranjan Rajagopal for R1
Mr. V. Baranidharan for R2

O R D E R

The present petition has been filed for issuance of Writ of Mandamus seeking to direct the first respondent herein to take necessary action against the 2nd respondent herein as per Section 20(1) and 20(2) of the Right to Information Act, 2005 based on the Petitioner's representation dated 04.09.2021.

2. According to the petitioner, on 04.03.2018, she sent an application under the Right to Information Act, 2005 to the Public Information Officer, District Elementary Educational Office, Ariyalur seeking information regarding the complaint copy given against her and her husband by the Elementary Education Officer's Association dated 28.02.2018. As per the Right to Information Act, the Public information Officer has to furnish the copy within 30 days and the Public Information Officer, District Elementary Educational Office, Ariyalur instead of issuing the copy issued a reply dated 20.03.2018 in



Na.Ka.No.454/A4/2018 under Section 11 of the Right to Information Act repudiated to issue the said copy by stating that the sought information is related to the third party. Upon which, on 07.04.2018, he preferred an appeal before the Public Information Appellate Authority/District Elementary Educational Officer, Ariyalur, whereas no orders were passed, aggrieved, she filed Second Appeal on 13.05.2018, in S.A. No. 3592/D/2018 before the first respondent and the first respondent directed the second respondent to furnish the details of the information within seven days and the same was also not complied, further he filed a complaint against the non compliance of the second respondent in NC.1001/D/2020 in S.A.No.3592/D/2018 and the second respondent was directed to furnish the information within a week. Upon which, the second respondent furnished the same in Na.Ka.No.454/A4/AA2/2018 dated 02.09.2021. Further, on 04.09.2021, she made a representation to the first respondent to take action against the second respondent under section 20 (1) and 20(2) of the Right to Information Act and the said representation is pending without any action on the file of the first respondent. Aggrieved against such inaction, the petitioner has come up with this writ petition.

3. Heard Mr. R.S. Selvam, the learned counsel for the petitioner, Mr. Niranjan Rajagopalan, learned counsel for the first respondent and Mr. V. Baranidharan, learned counsel for the second respondent and perused the materials placed on record.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for either sides, this court, without going into merits of this case, directs the first respondent to consider the petitioner's representation dated 04.09.2021 to the first respondent to take action against the second respondent under Section 20(1) and 20(2) of the Right to Information Act, 2005 and pass appropriate orders, on merits and in accordance with law, within a period of ***twelve weeks** from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

***Corrected as per the order of this
Court dated 23.11.2021 made in
WP No.23979/2021**

//True copy//

Sub Assistant Registrar



To

1. The Tamilnadu State Information Commissioner
No.19, Pernpettai
Nandanam
Chennai - 600 035

2. The Public Information Officer/District
Educational Officer
Sendhura - 621 714
Ariyalur

+1cc to M/s.G.R.Associates, Advocate SR.No.58731

+1cc to Mr.R.S.Selvam, Advocate SR.No.58657

+1cc to Government Pleader SR.No.58981

WP No. 23979 of 2021

SSI (CO)
GMY (02/12/2021)