

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

Sr. No.101

CWP No.145 of 2021

DATE OF DECISION: January 06, 2021

DAV COLLEGE TRUST AND MANAGEMENT SOCIETY & ANR.

..PETITIONERS

VERSUS

STATE INFORMATION COMMISSIONER HARYANA AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajdeep Singh Cheema, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners are aggrieved by order dated 24.11.2020 (Annexure P-4) passed by the State Information Commission Haryana whereby a direction has been given to the SPIO of petitioner No.2 to furnish information sought by respondent No.2 on the ground that the second appeal was directed against the First Appellate Authority only and that petitioner No.2 was not a party.

Respondent No.2 had filed an application under the Right to Information Act, 2005 before the SPIO-cum-Deputy Director, Director General Higher Education, Haryana which was transferred to the SPIO of petitioner No.2 vide communication dated 26.05.2020. Vide communication dated 19.06.2020, the SPIO of petitioner No.2 refused to provide the information on various grounds. Aggrieved, respondent No.2

CWP No.145 of 2021

preferred a first appeal but no order was passed thereupon. Consequently, a second appeal was filed before the State Information Commission, Haryana which has been decided by the impugned order.

A perusal of the impugned order shows that the State Information Commission, Haryana has remanded the case to the appropriate First Appellate Authority with a direction to decide the same on merits after granting an opportunity of hearing to the parties. In addition, a direction has been given to the SPIO of petitioner No.2 to provide the information sought. Since petitioner No.2 has not been heard while passing the impugned order, direction contained in paragraph (iii) of the order dated 24.11.2020 (Annexure P-4) is set aside.

No further directions are called for in the facts and circumstances of this case. The writ petition stands disposed of.

January 06, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No