

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

CWP-15517-2021

Date of decision:-13.8.2021

DAV College, Abohar, District Fazilka

...Petitioner

Versus

Punjab State Information Commission and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Aman Chaudhary, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

Petitioner DAV College, Abohar, District Fazilka through its Principal has approached this Court by way of filing the instant Civil Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing of order dated 1.6.2021, copy Annexure P7 vide which petitioner has been directed to supply information before the next date of hearing without deciding the issue involved in the appeal and by passing an interim order in an illegal and arbitrary manner.

In this writ petition, the petitioner has impleaded Punjab

State Information Commission, Sh.Nishan Setia and First Appellate Authority, office of Registrar, Panjab University, Chandigarh as respondents.

Learned counsel for the petitioner in support of his contention has referred to various judgments i.e. *THDC India Ltd. Versus R.K. Raturi* passed by Delhi High Court in W.P.(C) 903/2013, *Girish Ramchandra Deshpande Versus Cen. Information Commr. And others, 2012(4) RCR(Civil)559, Central Board of Secondary Education and another Versus Aditya Bandopadhyay and others, 2011(8)SCC 497, Union Public Service Commission Versus Gourhari Kamila, 2014(7) RCR(Criminal) 1503, Dr.R.S. Gupta Versus Govt. of NCTD and Ors., 2020 AIR(Delhi) 187.*

I have heard learned counsel for the petitioner besides going through the record and I find that the petitioner had taken a specific plea before respondent No.1 to the effect that point No.5 of RTI application of the appellant is exempted under Section 8(1)(j) of the RTI Act, 2005 and therefore cannot be provided to him and same has been conveyed to the appellant in writing with a copy forwarded to the commissioner. The commission has not dealt with this plea raised by the respondent, who is petitioner before this Court. The commission was expected to deal with this plea/objection and then decide the same giving reasons. In the impugned order without dealing with the objection raised by the present petitioner, it has been directed to provide information on point No.5 before the next date of hearing. Therefore, the order cannot be sustained and the same is set aside. The writ petition is allowed and the matter is

remanded to Punjab State Information Commission, Chandigarh – respondent No.1 with a direction to pass fresh order by dealing with all the objections raised by the present petitioner and by giving reasons for allowing or disallowing the same.

13.8.2021

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**