



WP No.12611 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP No. 12611 of 2016
and WMP Nos.10886 & 31275 of 2016

K. Punitha

... Petitioner

VS.

1. The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Thyagarayar Salai, Eldamas Road Junction,
Teynampet, Chennai 600 018.
2. The Director of School Education,
Chennai 600 006.
3. The Chief Educational Officer,
Office of Chief Education Officer,
500, Raja Street, Coimbatore 641 001,
Coimbatore District.
4. The Public Information Officer,
Office of the District Education Officer,
Pollachi, Coimbatore District.
5. R.Rukumani
Head Mistress (Retired)
6. Ila. Parthasarathy
Respondents

...



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of order dated 29.02.2016 signed on 15.03.2016 by the 1st respondent in case No.20333/Enquiry/D/2013 and quash the same in so far as petitioner is concerned.

For Petitioner	: Mr.N.Ponraj for M/s.Pradeep Rai
For Respondents	: Mr.Niranjan Rajagopalan for M/s. G.R.Associates, for R1 Mr.P.Anandkumar, Government Advocate, for RR2 to 4

ORDER

Challenge in this Writ Petition is to the penalty imposed upon the petitioner by the State Information Commission for certain dereliction of duty on the part of the Information Officer namely The Headmistress, Municipal Girls Higher Secondary School, Pollachi.



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2. By a proceeding dated 01.12.2014, the State Information Commission decided to impose a penalty on the then Headmistress of the said School for certain dereliction of duty or non-furnishing of information or furnishing wrong information. After the said order was passed, subsequent proceedings took place and an explanation was called from the Headmistress. The petitioner who had taken charge only on 23.12.2015 filed an explanation. She also pointed out that she was not the officer in-charge on the date of the occurrence and a list of PIOs between 01.07.2010 and 22.12.2015, was placed before the Commission. Despite such facts being disclosed the State Information Commission has passed the order impugned directing the petitioner to pay a fine of Rs.25,000/- and directing disciplinary action against the petitioner. I am satisfied that this Writ Petition has to succeed. Penalty for furnishing wrong information or a failure to furnish information can be imposed on the delinquent officer and not on the successor. The liability for penalty is akin to punishment imposed for a criminal offence. It cannot be imposed on the successor. The petitioner who



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had taken charge only on 23.12.2015 cannot be expected to suffer punishment for a wrong committed by an erstwhile officer. Therefore, the order impugned is set aside.

3. Hence the Writ Petition is **allowed**, the order imposing penalty and the direction for initiation of disciplinary proceedings against the petitioner dated 29.02.2016 is quashed insofar as the petitioner is concerned. No costs. Consequently, the connected miscellaneous petitions are closed.

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jv

Index: Yes/No

Internet: Yes/No

speaking order/Non speaking order

To

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R.SUBRAMANIAN, J.

jv

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