



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.19764 of 2010

and

M.P. No.2 of 2010

Dr.R.Baskar

... Petitioner

Vs.

1. The State Information Commissioner,
Tamil Nadu Information Commission,
Kamadhenu Super Market, I Floor,
No.273/378, Anna Salai, Teynampet,
Chennai-600 018.
2. The Secretary,
Health & Family Welfare (E1) Department,
Secretariat, Chennai-600 009.
3. The Director,
Directorate of Medical Education,
Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the proceedings of the 1st respondent in Case No.3877/O-8/09, in order dated 12.07.2010 and quash the same as illegal and arbitrary being contrary to the provisions of Section 20(1) of the Right to Information Act, 2005 and in violation of principals of natural justice.

For Petitioner : M/s.A.Athimoolam

For Respondent 1 : Mr.Niranjan Rajagopalan

For Respondent 2 : Mr.S.Rajesh
Government Advocate



ORDER

The writ petition is filed challenging the impugned order of the 1st respondent in Case No.3877/O-8/09, in order dated 12.07.2010 primarily on the ground that it is contrary to the provisions of Section 20(1) of the Right to Information Act, 2005 and in violation of principals of natural justice.

2. The petitioner has been imposed with penalty by the 1st respondent, without complying with the mandated contained in Section 20(1) of the Right to Information Act, 2005 which provides an opportunity of being heard.

3. The learned counsel for the respondents submits that the matter may be remitted back to the 1st respondent with a direction to grant the petitioner an opportunity and the matter shall thereafter be decided by the 2nd respondent in accordance with law.

4. The matter is thus remitted back to the 1st respondent who shall provide the petitioner a reasonable opportunity of being heard and thereafter pass orders in accordance with law. It is directed that the above exercise shall be carried out by the 1st respondent within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of . No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mka

To

1. The State Information Commissioner,
Tamil Nadu Information Commission,
Kamadhenu Super Market,
I Floor, No.273/378,
Anna Salai, Teynampet,
Chennai-600 018.



2. The Secretary,
Health & Family Welfare (E1) Department,
Secretariat, Chennai-600 009.

3. The Director,
Directorate of Medical Education,
Chennai-600 010.

+1cc to M/s.GR Associates, Advocate, S.R.No.6954

+1cc to M/s.A.Athimoolam, Advocate, S.R.No.7589 [12/05/2022]

+1cc to the Government Pleader, S.R.No.7686

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and
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NSK 16/03/2022