



W.P(MD)No.9925 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9925 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

I.C.I.Primary School,
Ilanji,
Tirunelveli District-627 805,
Represented through its Secretary,
I.A.Chidambaram.

... Petitioner

Vs.

1.The Tamil Nadu State Information Commission,
No.2, Thiyagaraja Salai,
Tenampet,
Chennai-18.

2.The Additional Assistant Elementary Education Officer,
Tenkasi,
Tirunelveli District.

3.M.Thaanumoorthy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent herein in his proceedings in Na.Ka.No.314/Aa1/2015, dated 11.05.2015.



WEB COPY



W.P(MD)No.9925 of 2015

For Petitioner : M/s.D.Nallathambi
For R-1 : M/s.K.K.Senthil
For R-2 : M/s.J.John Rajadurai
Government Advocate
For R-3 : M/s.Nandhini Priyadharshini
for M/s.D.Geetha

ORDER

The present writ petition has been filed challenging a consequential order passed by the second respondent herein, under which, he has chosen to implement the order passed by the first respondent on 14.03.2015.

2. According to the learned Counsel for the petitioner, the third respondent sought for certain information from the petitioner School under the Right to Information Act. The petitioner School by way of two replies, dated 09.06.2014 and 17.06.2014, have refused to furnish information to the third respondent herein. In the reply, dated 17.06.2014, the information provider has specifically objected to query No.6 on the ground that, it is exempted under Section 8(h) of the Right to Information Act. Thereafter, the third respondent has chosen to file a first



W.P(MD)No.9925 of 2015

appeal before the second respondent herein by an application, dated 04.08.2014. Since there was no response from the second respondent, the third respondent has directly filed a second appeal before the first respondent herein. Immediately, on receipt of second appeal from the third respondent, the first respondent has chosen to pass a template order, treating the second respondent as the Public Information Officer and directing the second respondent to furnish the information. The second respondent had in-turn directed the petitioner School to furnish the information under the impugned order, dated 11.05.2015. This order is under challenge in the present writ petition.

3. According to the learned Counsel for the petitioner, the information sought for by the third respondent herein relates to the Attendance Registrar of the students and teachers from the academic year 2009-2010 till 2013-2014. The information seeker has also sought for the mirror registers maintained by the Head Master of the School. Apart from that, the information seeker has sought for a copy of the admission applications of all the students from first standard to fifth standard for the same academic years. Under query No.5, the third respondent has sought



W.P(MD)No.9925 of 2015

for a copy of the transfer certificates issued to those students, who had left the school in the above said academic years. In query No.6, the information seeker has sought for information relating to a pending criminal case as against the former Head Master of the petitioner School. Hence, according to the learned Counsel for the petitioner, the information sought for under query Nos.1 to 5 would affect the privacy of the minor children and the information sought for under query No.6 has squarely fall under the exemption contemplated under Section 8(h) of the Right to Information Act. However, without providing any opportunity to the petitioner School, the order impugned in the writ petition has been passed by the first respondent herein on 14.03.2015 and he has sought for quashing the said order.

4. Per contra, the learned Counsel appearing for the third respondent had contended that the information seeker is a public spirited personality and he is under the impression that, the School is not being run in a proper manner. Only for evaluating the School, these informations have been sought in public interest and the said information cannot be considered to be falling under any exemption or affecting the



W.P(MD)No.9925 of 2015

privacy of the students or the teachers concerned. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions made on either side.

6. A perusal of the order impugned in the writ petition indicates that it is only a consequential order to the order passed by the first respondent herein on 14.03.2015. The order of the first respondent has not been served upon the petitioner School. The petitioner has not been put on notice before passing of the order by the first respondent. The order of the first respondent has been brought to the notice of the Court only through the learned Counsel appearing for the first respondent herein. Hence, it is clear that the order impugned in the writ petition has been passed, based upon the order of the first respondent, dated 14.03.2015, which is clearly in violation of principles of natural justice.

7. In view of the above said facts, the order of the first respondent, dated 14.03.2015, in order No.37209/D/2014 and the order impugned in the writ petition are set aside. The matter is remitted back to the file of



W.P(MD)No.9925 of 2015

the first respondent herein. The first respondent shall pass orders on merits and in accordance with law, after providing due opportunity to the writ petitioner and the third respondent herein.

8. With the above said observation, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

24.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Tamil Nadu State Information Commission,
No.2, Thiyagaraja Salai,
Tenampet,
Chennai-18.

2.The Additional Assistant Elementary Education Officer,
Tenkasi,
Tirunelveli District.



WEB COPY



W.P(MD)No.9925 of 2015

R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.9925 of 2015

24.11.2022