



W.P(MD)No.2903 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2903 of 2016

and

W.M.P(MD)Nos.2562 & 2563 of 2016

The Bishop Thorp College,
Dharapuram,
Represented by its Secretary.

... Petitioner

Vs.

1.The Information Commission,
No.2, Thiyagaraya Salai,
Teynampet, Chennai-600 017.

2.The Public Information Officer,
Bharathiar University,
Coimbatore.

3.Sivachandra Kumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Ref.No.BU/RTI-Commreply/030410/48-2/2015 dated 11.12.2015 and



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the impugned order of the second respondent in Order No.S.A.No. 14042/D/2015 dated 02.11.2015, quash the same.

For Petitioner : Mr.S.Ram Sundar Vijayaraj
for Mr.C.Jegannathan

For R1 : Mr.K.K.Senthil

For R2 & R3 : No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent/State Information Commission and the consequential order passed by the second respondent herein.

2. According to the learned counsel for the petitioner, the third respondent sought for certain information about the petitioner/College from the second respondent. In turn, the second respondent requested the college to furnish information on 06.07.2015. The petitioner/College has passed an order on 22.09.2015 refusing to divulge the information. However, the information seeker, namely the third respondent herein has not filed any first appeal before the Registrar of Bharathiyar University,



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Coimbatore. Without even filing a first appeal, directly the information seeker has filed the second appeal before the first respondent herein. The first respondent has also happily accepted the said second appeal and passed an ex-parte order as against the writ petitioner herein. This order is under challenge in the present writ petition.

3. Based upon the said order passed by the first respondent/Commission, the second respondent has passed a consequential order, dated 11.12.2015 directing the college to furnish information. The said consequential order is also under challenge in the writ petition.

4. According to the learned counsel for the petitioner, the petitioner/College has passed a detailed order on 22.09.2015 refusing to divulge the information that the same is not called for in public interest. Without even filing a first appeal before the Registrar of Bharathiyar University, the information seeker has directly filed an appeal before the first respondent and an ex-parte order has also been passed. Hence, he prayed for allowing the writ petition.



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

6. The petitioner/College has passed a detailed order on 22.09.2015 refusing to divulge the information on the ground that there is no legal duty on the college to supply those information. Whether the said order is right or wrong, the same has to be agitated before the first appellate authority, namely the Registrar of Bharathiyar University. However, from the records, it could be seen that no first appeal was filed by the third respondent herein. The third respondent has directly filed an appeal before the first respondent/State Information Commission. The State Information Commission has numbered the second appeal, even without the order of the first appellate authority or an application before the first appellate authority. Hence, the very entertaining of the second appeal is without jurisdiction.

7. After entertaining the said second appeal, without even giving an opportunity to the information provider, namely the petitioner herein, the first respondent has directed the second respondent to get information



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from the petitioner/College and supply the same to the third respondent herein. The said order has been respectfully complied with by the second respondent herein by his consequential order. I find that the very entertaining of the second appeal is without jurisdiction and hence, the order impugned in the writ petition passed by the first respondent and the consequential order passed by the second respondent are without jurisdiction.

8. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.10.2022

Index : Yes / No
Internet : Yes / No
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To

The Information Commission,
No.2, Thiyagaraya Salai,
Teynampet, Chennai-600 017.

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R.VIJAYAKUMAR ,J.

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Order made in
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