

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4021 of 2013

Parampal Singh Gandhi Son Of Kirpal Singh Gandhi Resident Of House No. 2211 Sector-21c, P.S. Sector - 19, Chandigarh

... .. Petitioner/s

Versus

1. The State Information Commission through its Secretary, 4th Floor, Suchna Bhawan, Bailey Road, Patna.
2. Rajesh Krishna Sinha, Joint Secretary-Cum-Additional Registrar, State Information Commission, 4th Floor, Suchna Bhawan, Bailey Road, Patna
3. Magadh University Through Its Public Information Officer, Bodh Gaya, Gaya
4. The First Appellate Officer, Magadh University, Bodh Gaya, Gaya
5. The Public Information Officer, Magadh University, Bodh Gaya, Gaya
6. Anil Kumar Bhanot Son Of Shri Harmesh Singh Bhanot Resident Of U-Enclave, Una Road, Hoshiarpur, Punjab - 146001
7. State Of Bihar Through Its Chief Secretary, Government Of Bihar, Patna
8. The Chief Secretary, Government Of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratnesh Kumar Singh, Advocate
For the Respondent/s	:	Mr.Suresh Pd. Singh no. 1, Advocate
	:	Ms. Kumari Rashmi, Advocate
For S.I.C.	:	Mr. Lalit Kishore, Sr. Advocate
	:	Ms. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

16 28-08-2023 1. Though the present case has a chequered history but this Court need not to go into the details thereof, however, it would suffice to state that the order under challenge is the final order dated 09.06.2014, passed by the State Information Commissioner in Case no. 77167 of 2012-13, operative portion whereof, is reproduced hereinbelow :-

“ *After hearing the parties, the judgment*



cited by the counsel for the intervener and going through the records, I find that the appellant is seeking information relating to the degree of the intervener. The intervener is contesting the right of the appellant to access this information. His contention is that this information is personal information and appellant has to be access to it. In any case, the information can not be given to him without following the procedure laid down under the Right to Information Act, 2005. There can be no hesitation in holding that ones educational attainments can be likened to personal Income-tax return, which has been held by Supreme Court as personal, and its disclosure can be allowed by PIO in larger public interest. It is a settled proposition that compliance with the provision In view of the legal provisions and the facts which have been discussed in section 11 of the Act is a strict requirement.

In view of the legal provisions and the facts which have been discussed in paras hereinbefore, I am constrained to hold that the legal procedures to be followed in case of disclosure of personal information have not been observed. And it is a fatal flaw.

I also find that the contention of the appellant that by the order dated 4.2.13, the State Information Commissioner has held the disclosure of Information was in public interest



also can not be accepted as the procedure related to such disclosure has not been followed. Apart from that the order was not unequivocal as he had by the same order allowed the counsel of the intervener to make further arguments on his prayer made earlier to drop this proceeding.

I am not impressed by the argument of the counsel that the State Information Commissioner should refrain from passing any order in this case. Suffice to say that the Hon'ble Patna High Court by order dated 14.3.13 has said that the State Commissioner is free to hear this matter and pass final orders.

This brings me to the issue of enquiry report submitted by three men enquiry committee handed over to the commission in sealed cover. The report has been perused by me. The report is in fact a reply to all the 24 paras contained in the application dated 8.9.11 submitted to the Public Information Officer, Magadh University by the appellant. The report in its last paragraph has concluded that the circumstances surrounding the examination, result are suspicious. This report prepared by the officers of university now casts an obligation on it get the matter investigated fully and if necessary a case should be instituted with the local police. I see no other option if the university has to redeem itself in this case.



The appellant shall be at liberty to file fresh petition before the Public Information Officer. police. Needless to say that PIO shall follow the procedure laid down in the Right to Information Act, 2005. ”

2. At the outset, the learned Senior counsel appearing for the respondent- Commission submits that the impugned order dated 09.06.2014, to the extent it has directed the Officers of the University to get the matter investigated fully and if necessary, a case be instituted with the local police, is not bolstered by the provisions contained in the Right to Information Act, 2005 and the State Information Commission didn't possess any power to issue such a direction, hence, he has got no objection, in case the said observation is quashed. The learned Senior counsel for the respondent- Commission further submits that the University has not till date filed any F.I.R. or complaint in pursuance to the afore-said observation made by the State Information Commissioner in its order dated 09.06.2014.

3. The aforesaid indulgence, as proffered by the learned Senior counsel for the respondent- Commission is neither opposed by the Ld. Counsel for the petitioner nor by the Ld. Counsel appearing for the respondent no. 7, hence, I deem it



fit and proper to quash the aforesaid observation made by the State Information Commissioner, in its order dated 09.06.2014, with the consent of the parties, which reads as follows : -

“ This brings me to the issue of enquiry report submitted by three men enquiry committee handed over to the commission in sealed cover. The report has been perused by me. The report is in fact a reply to all the 24 paras contained in the application dated 8.9.11 submitted to the Public Information Officer, Magadh University by the appellant. The report in its last paragraph has concluded that the circumstances surrounding the examination, result are suspicious. This report prepared by the officers of university now casts an obligation on it get the matter investigated fully and if necessary a case should be instituted with the local police. I see no other option if the university has to redeem itself in this case. “

4. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

