

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6516 OF 2019

Sindhi Hindu Shikshan Vidya Samiti and ors__ Vs. __The State Information
Commissioner and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Nikhil Valesha, Advocate h/f Mr. Anand Parchure, Advocate for petitioners
Ms. T.Khan, AGP for respondent No. 1
Mr. Sheikh Majid, Advocate for Respondent No.2
Mr. G.G.Mishra, Advocate for Respondent No.3

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/02/2023

1] Heard Mr. Nikhil Valesha, learned counsel holding for Mr. Anand Parchure, learned counsel for the petitioners.

2] The petition challenges the order dated 30.03.2019 passed by the respondent no.1 (second appellate authority) (pg. 30) directing to supply the information.

3] Mr. Valesha, learned counsel for the petitioners submits that the petitioners do not fall within the definition of “public authority” as defined in section 2(h) of the Right to Information Act. He further places reliance upon the provisions of Section 8(1)(g) & (j) of the said Act to contend that

the information ought not to have been directed to be supplied. He also relies upon the circular dated 17.10.2014 (pg. 44) issued by the State and the order of the Hon'ble Apex Court in SLP (Civil) No. 27734/2012 (**Girish Ramchandra Deshpande vrs Central Information Commissioner and ors**), decided on 3.10.2012.

4] At the outset, it would be necessary to note that the circular dated 17.10.2014 issued by the State relates to clause 8(1)(g) of the RTI Act and the judgment in **Girish Deshpande** (supra) is under Section 8(1)(j) of the RTI Act. The information solicited as is apparent from the application at page 17, dated 28.8.2018 is the approval granted to the post of principal of the school run by petitioner No.1 by the Deputy Director of Education. The other information which is sought is the seniority list for the year 2017-18.

5] It is not in dispute that the school run by the petitioner no.1 is 100% grant-in-aid school, as a result of which the provisions of Section 2(h)(ii) would come into picture and therefore, it would fall within the definition of "public authority" as defined therein. The information sought is in the public

domain and is also available with the Education Officer, Nagpur, considering which the said information cannot be considered to fall in Section 8(1)(g) or (j) of the Act of 2005, in view of which neither the Govt. Circular dated 7.10.2014, which relates to Section 8(1)(g), nor the judgment in **Girish R Deshpande** (supra) which is on the scope and interpretation of clause 8(1)(e), (g) & (j) of the RTI Act assist the petitioners. Though **Canara Bank vrs. C.S. Shyam and another**, (2018) 11 SCC 426, has been relied upon, that is a case under Section 8(1)(j) of the RTI Act and as indicated above, the information sought is within the public domain. That being the position, I am not inclined to interfere in the impugned order. The petition is dismissed. No costs.

JUDGE

Rvjalit