



WEB COPY



W.P. No. 12404 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 12404 of 2022

G.Nandagopalan

... Petitioner

-VS-

1. The State Information Commissioner
Tamil Nadu Information Commission
No.2, Theagaraya Salai, Near Aalai Amman Kovil
Teynampet, Chennai – 600 018.

2. The Correspondent
St. Joseph Boys Higher Secondary School
Susainagar, Thiruvannamalai District.

3. The District Educational Officer
Tiruvannamalai.
(R3 is *suo motu* impleaded vide
order dated 07.12.2023)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider the representation dated 03.08.2020 send under Section 18(1)(e) of Right to Information Act, 2005, and to take appropriate action against the concerned persons for disclosing incomplete information.



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For Petitioner : Mr. K.Aravindraj

For Respondents : Mr. C.Vigneswaran (R1)

Ms. Arul Mary
For M/s. Fr. Xavier Associates (R2)

Mr. U.Baranidharan, AGP (R3)

ORDER

Heard Mr. K.Aravindraj, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel for the First Respondent, Ms. Arul Mary of M/s. Fr. Xavier Associates, Learned Counsel appearing for the Second Respondent and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 03.08.2020 stating that the information required by him from the Second and Third Respondents has not been furnished despite the order dated 28.05.2020 in Case No. S.A.1316/D/2020 passed by the First Respondent under Section 19(3) of the Right to Information Act, 2005, (hereinafter referred to as the 'Act' for short), but as it did not evoke any



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response, it has necessitated the filing of this Writ Petition.

3. Having due regard to the fact that the scheme devised under Section 20 of the Act requires the State Information Commission to ensure compliance of its orders, the First Respondent ought to have fixed time frame for the Second Respondent to comply with its directions passed on 28.05.2020 and posted the matter for reporting compliance. Since that exercise has not taken place, the First Respondent shall list the aforesaid Second Appeal on 05.06.2024, and the Petitioner and the Second Respondent shall appear for that hearing without fail. If the First Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the adjourned date of hearing in the prescribed manner. The First Respondent shall verify whether the order has been complied by the Second Respondent and if not, shall take further action in accordance with law following the prescribed procedure in consonance with the principles of natural justice and shall communicate the decision taken to the parties under written acknowledgment.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

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Index: Yes/No

NCC: Yes/No



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Note: Issue order copy by 06.05.2024.

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To

1. The State Information Commissioner
Tamil Nadu Information Commission
No.2, Theagaraya Salai, Near Aalai Amman Kovil
Teynampet, Chennai – 600 018.
2. The Correspondent
St. Joseph Boys Higher Secondary School
Susainagar, Thiruvannamalai District.
3. The District Educational Officer
Tiruvannamalai.

Copy to

G.Nandagopalan,
No. 708, Old Thattara Street,
Devikapuram,
Chetpet,
Tiruvannamalai – 606 902.



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P.D. AUDIKESAVALU, J.

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