



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 15.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.5923 of 2020
and
WMP.No.6943 of 2020

The Public Information Officer/
Block Development Officer-I,
Rep. By Mrs. C.Gowri,
Mllasamuthuram,
Namakkal District,

... petitioner

-Vs-

1. N.Boopathy

2. The Registrar,
The State Information Commission,
No.2, Thiyagarayar Salai,
(Near Alaiamman Kovil)
Eldams Road Junction,
Teynampet, Chennai-18.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari calling for the records pertaining to the second respondents order passed vide order No.SA8771/1D/2018, dated 26.12.2019 and quash the same.



For petitioner : No appearance
For Respondent : Mr.Sowjanya.S
for M/s.G.R.Associates R2
Mr.T.Gopinath R1

ORDER

The petition has been filed seeking to quash the order pertaining to the second respondents passed vide order No.SA8771/1D/2018, dated 26.12.2019.

2. It is the case of the petitioner that the first respondent sought for information about a third party viz., one Jayaseelan, who is working as a teacher under the petitioner's supervision and department stating the reason that the first respondent filed a calender case bearing No.36 of 2012 which is pending on the file of the District Magistrate Court, Paramathy, Namakkal District. The first respondent sought information about the attendance of one Jayaseelan for the period from 5.07.2012 to 06.08.2018. Since it was the information pertaining to the third party's personal information, the first respondent's application was rejected, against which he had preferred first appeal before the appellate authority, who also confirmed the order passed by the petitioner/public information officer. Against the said order, the first respondent herein preferred first appeal and the impugned order has been passed by the second respondent, which is under challenge.



3. Heard the learned counsel for the respondents and perused the materials available on record. There is no representation on behalf of the petitioner and however, the writ petition has filed in the year 2020 and considering the pendency of the writ petition, this Court is inclined to dispose of the same on merits.

4. The facts of the case are not in dispute. Admittedly, the first respondent made a complaint before the petitioner seeking for information to furnish the leave obtained by one Jayaseelan, who is working as a Secondary Grade Teacher. However, the same was refused to be furnished by the Public Information Officer and on appeal, the appellate authority has directed the petitioner to furnish the information. According to the petitioner, the impugned order has been passed in violation of Section 19(4), 19(5) of the RTI Act, 2005.

5. Learned counsel for the second respondent, this Court drew the attention of to Section 2(f) of the RTI Act. For better appreciation, the said section is extracted hereunder:

"(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports,



papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force; "

6. A careful perusal of Section 2(f) reveals that information, specified therein, accessible by a public authority relating to a private body could ne made available on an application seeking information. What is sought for by the first respondent is the leave particulars of a third party, who squarely falls within the ambit of private body provided for under Section 2(f). Such being the case, necessarily the information being available with the petitioner, has to be parted with to the first respondent, which is available with the petitioner, has to be parted with to the first respondent, which is the very purpose of enactment of Right to Information Act.

7. When the particulars, which has been sought for by the first respondent, being information related to any public body, and the information is available with the petitioner, definitely the said information has to be parted with by the petitioner and the petitioner as also the first appellate authority have erroneously rejected the application of the first respondent, which has been rightly allowed by the second respondent. Therefore, the order passed by the



second respondent deserves to be sustained.

WEB COPY

8. Accordingly, for the reasons aforesaid, the writ petition is dismissed with a direction to the petitioner to furnish the information as sought for by the first respondent as ordered by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

15.06.2023

rli

To
The Registrar,
The State Information Commission,
No.2, Thiyagarayar Salai,
(Near Alaiamman Kovil)
Eldams Road Junction,
Teynampet, Chennai-18.



WEB COPY

6



M.DHANDAPANI, J.

rli

W.P.No.5923 of 2020

15.06.2023