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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6822 of 2018

S.Devaki

.. Petitioner

Vs.

- 1.The Commissioner,
Social Welfare Department,
Panagal Building, Saidapet,
Chennai – 15.
- 2.The Public Information Officer,
Social Welfare Department,
Panagal Building, Saidapet,
Chennai – 15.
- 3.The Collector,
Villupuram District, Villupuram.
- 4.Dhanushkodi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in proceedings Na.Ka.No.5433/செ.தி/-1(2)/2018, dated 23.02.2018 and to quash the same and consequently direct the 1st respondent to give the copy of the appointment order of the 4th respondent for the post



of Noon Meal Organizer, R.C.Aided Primary School, Illodu Village, Villupuram District, to the petitioner herein.

For Petitioner .. Mr.R.Murugesan

For Respondents

For R1 to R3 .. Mrs.P.Rajarajeswari
Government Advocate

ORDER

The petitioner had sought information relating to the appointment of the fourth respondent herein. She filed an application under Right to Information Act on 23.08.2017. The information was refused to be granted by the Information Officer, Noon Meal Scheme, Villupuram. Questioning that particular order, the petitioner had filed a writ petition in W.P.No.28996 of 2017.

2. A learned Single Judge of this Court had directed the petitioner to approach the Appellate Authority, by filing a statutory appeal within a period of two weeks from the date of receipt of a copy of that order. The petitioner then filed a first appeal before the third respondent/The District Collector, Villupuram. The third respondent again rejected grant of such



information by an order dated 23.02.2018. The petitioner has a remedy of further appeal before the State Information Commission, under Section 19 of the RTI Act. Instead of taking recourse to that particular remedy, the petitioner has filed the present writ petition.

3. It is unfortunate that the petitioner has been filing writ petition after writ petition, when there are Appellate forums available, inbuilt within the provision of RTI Act. The learned counsel for the petitioner should also realise that the RTI has its own Appellate Authorities and a writ petition is not maintainable, when there are efficacious alternate remedies available.

4. The earlier writ petition had been filed on 21.03.2018 as against the order of the third respondent. The petitioner should have filed a Second Appeal within a period of ninety days. The period has long since expired. The period from the date of filing of this writ petition till today alone can be condoned by this Court and if still there is delay, the petitioner may file necessary applications seeking condonation of delay giving reason and prefer an appeal before the State Information Commission.



5. The writ petition stands disposed of. It would be advisable that the writ petitioner files the Second Appeal on or before 10.03.2023. No costs.

28.02.2023

Index: Yes/No
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To

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Chennai – 15.
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3. The Collector,
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C.V.KARTHIKEYAN,J.



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