



WEB COPY



W.P.No.8521 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8521 of 2020

And

W.M.P.No.10293 of 2020

The Madras School of Social Work
Rep. by its Secretary

... Petitioner

Vs.

1.The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet,
Chennai – 600 018.

2.Pushparaj

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records and quash the order dated 12.03.2020 passed in Case No.SA.4582/D/2010 by the first respondent, State Information Commissioner, Tamil Nadu Information Commission, No.2, Thiyagaraya Road, Teynampet, Chennai – 600 018.

For Petitioner : Mrs.R.S.Lakshmi Priya
for M/s.Gupta and Ravi
For Respondents : Mr.Niranjan Rajagopal for R1
for M/s.G.R.Associates
Mr.S.Prabhakaran for R2



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for M/s.Paul and Paul

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records and quash the order dated 12.03.2020 passed in Case No.SA.4582/D/2010 by the first respondent, State Information Commissioner, Tamil Nadu Information Commission, No.2, Thiyagaraya Road, Teynampet, Chennai – 600 018.

2.The case of the petitioner is that the petitioner is an Educational Institution. The second respondent who is an ex-employee of the petitioner made application to the petitioner under the Right To Information Act and sought for some information. Since all the information sought for by the second respondent was not furnished, he filed appeal before the Tamil Nadu Information Commission. The first respondent decided the preliminary issue as if the petitioner is amenable to the RTI Act and passed the impugned order. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted



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that this Court may issue direction to the first respondent to act strictly in terms of Sections 8(1)(e), 8(1)(j) and 11 of the RTI Act and also in terms of the order of the Hon'ble Apex Court reported in (2011) 8 SCC 497 [Central Board of Secondary Education and Others Vs. Aditya Bandopadhyay and Others].

4.The learned counsel appearing for the respondents raise no serious objection.

5.In view of the above, the impugned order dated 12.03.2020 passed by the first respondent is set aside and the matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to decide the issue inbetween the petitioner and the second respondent strictly in terms of Sections 8(1)(e), 8(1)(j) and 11 of the RTI Act and in terms of the order of the Hon'ble Apex Court reported in (2011) 8 SCC 497 [Central Board of Secondary Education and Others Vs. Aditya Bandopadhyay and Others].

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.



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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

M.DHANDAPANI,J.
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To

- 1.The State Information Commissioner,
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No.2, Thiyagaraya Road,
Teynampet,
Chennai – 600 018.

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