



W.P.(MD)No.20636 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20636 of 2021

M.Velusamy

... Petitioner

vs.

1.The State Information Commissioner,
The Tamil Nadu State Information Commission,
Thenampet, Chennai- 600 018.

2.The Appellate Authority,
The Secretary to the Department of School Education,
Fort St. George, Chennai- 600 009.

3.The Public Information Officer,
Teachers Recruitment Board,
4th Floor, EVK Sampath Malikai,
College Road, Chennai- 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to furnish forthwith the information sought for by the petitioner in his Application to him dated 12.11.2019 under the Right to Information Act, 2005 as ordered by the 1st respondent State Information Commissioner dated 16.11.2020 in Letter No.SA 8958/F/ 2019 with the penalty as prescribed under Section 20 of the Act.



W.P.(MD)No.20636 of 2021

For Petitioner :Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers
For R1 :Mr.K.K.Senthil
For R2 :Mr.B.Saravanan
Additional Government Pleader
For R3 :Mr.V.R.Shanmuganathan

ORDER

This Writ Petition was filed for the issue of a Writ of Mandamus directing the third respondent to furnish the information sought for by the petitioner in his application, dated 12.11.2019 made under the Right to Information Act, 2005 as ordered by the first respondent through proceedings dated 16.11.2020.

2.When the matter came up for hearing on 16.11.2023, this Court passed the following order:

“The learned counsel for the petitioner submitted that the petitioner has sought for information from the third respondent regarding the particulars of selected candidates, subject wise and their name list with their addresses. Initially the third respondent gave information to the petitioner on 28.01.2020. The petitioner was not satisfied with that information. Hence, the petitioner filed an appeal and ultimately, the first respondent through proceedings dated 16.11.2020 passed an order directing the Information Officer to provide details on or before 04.12.2020 and if the details are not provided or the petitioner is not satisfied with the details provided, the petitioner was directed to inform the same through a communication to the first respondent on or



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W.P.(MD)No.20636 of 2021

before 11.12.2020. The petitioner through letter dated 07.12.2020 informed the first respondent that he has not received any details from the Information Officer. Thereafter, there was no development before the first respondent and hence, this writ petition was filed.

2. When the matter is taken up for hearing today, the counter filed by the third respondent along with the typed set of papers was placed before this Court. The third respondent has taken a stand that the petitioner had sought for personal details of the candidates and the same is protected under Section 8(1)(j) of the Right to Information Act (hereinafter referred to as 'RTI Act'). That apart, the proceedings of the first respondent dated 28.07.2021 was also relied upon, wherein it is seen that the appeal filed by the petitioner has been closed.

3. The petitioner has filed a reply to the counter filed by the third respondent and has stated that the petitioner was not aware of the proceedings dated 28.07.2021 and no notice was served to the petitioner before the order was passed.

4. The learned counsel for the petitioner pointed out a discrepancy with regard to the appeal number in the proceedings dated 28.07.2021. The appeal number assigned to the petitioner was S.A.No.8958/F/2019, whereas, the appeal number that has been mentioned in the proceedings dated 28.07.2021 is S.A.No. 3454/D/2020.

5. In view of the above, the learned counsel for the first respondent shall take instructions from the first respondent as to whether the proceedings dated 28.07.2021 is pertaining to the petitioner and as to why there is a discrepancy in the appeal number.

6. The third respondent has relied upon Section 8(1)(j) of RTI Act, since the petitioner had sought for the personal details of the selected candidates including their postal addresses. The learned standing counsel for the third respondent shall take instructions as to whether the third respondent can provide the names of the selected candidates and their registration numbers alone to the petitioner.

7. Post this writ petition under the caption 'for orders' on 23.11.2023."



W.P.(MD)No.20636 of 2021

3. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the third respondent produced the written instructions received from the third respondent. The learned Counsel submitted that the third respondent will be able to provide the names of the candidates along with their registration numbers to the petitioner. However, the third respondent apprehends that if an order is passed in this regard, the same will be taken as a precedent and the third respondent will be flooded with similar such applications in future, which will completely disrupt the work of the third respondent. The learned Counsel, therefore, submitted that if any order is passed in this Writ Petition, the same should not be taken as a precedent.

4. This Court, while passing the earlier order on 16.11.2023, has already noted the background facts of this case and the proceedings of the first respondent. The only reason as to why the third respondent was not willing to provide with all the particulars of the candidates was the protection that was given under Section 8(1)(j) of the Right to Information Act, 2005. It is under these circumstances, this Court directed the learned Standing Counsel for the third respondent to take



W.P.(MD)No.20636 of 2021

instructions, as to whether the third respondent will be able to provide with the names of the candidates and their registration numbers and nothing more.

5.In the considered view of this Court, providing the list of selected candidates with their registration numbers will not strictly fall within the ambit of Section 8(1)(j) of the Act, since personal details are not provided and it is only the names of the candidates, who were selected, that is provided. Therefore, there must be no difficulty for the third respondent in providing with the details of the candidates, who were selected, by giving their names and registration numbers. The learned Standing Counsel for the third respondent submitted that it will take two weeks time for giving the details to the petitioner.

6.In the light of the above discussion, there shall be a direction to the third respondent to provide the petitioner with the names of the candidates, who were selected along with their registration numbers and nothing more. It is made clear that this order is passed based on the facts of this case and it cannot be taken as a precedent in all cases. Each case



W.P.(MD)No.20636 of 2021

has to be dealt with on its own facts and more particularly, when it involves providing informations about private individuals under the Right to Information Act, 2005. Therefore, this order will not be taken as a precedent. The information shall be provided by the third respondent to the petitioner within a period of three weeks from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of with the above directions. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
cmr

23.11.2023

To

The Appellate Authority,
The Secretary to the Department of School Education,
Fort St. George, Chennai- 600 009.



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W.P.(MD)No.20636 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.20636 of 2021

23.11.2023