

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 16706 of 2022 (O&M)

DECIDED ON: 30th January, 2023

National Senior Secondary School Uncha Chandna

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ranjit Saini, Advocate for petitioner.

Mr. Rajesh Mehta, Additional Advocate General, Punjab
for respondents No. 1 and 3.

Mr. Manoj Pundir, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

This writ petition in the nature of Certiorari is filed seeking quashing of order dated 1.6.2022 passed by the State Information Commission, Haryana (for short 'the Commission') directing the respondents therein to furnish information to the petitioner..

The brief facts are that respondent No.2 (for short 'respondent') filed an application under Right to Information Act, 2005 (for short 'RTI Act') seeking information from District Education Officer with regard to a private school. No information was provided and respondent filed first appeal and thereafter second appeal before the Commission. On 1.6.2022 the second appeal was adjourned to 30.1.2023 for filing the reply but the directions were issued that the information sought be supplied to respondent.

Learned counsel for petitioner submits that the appeal is pending and reply was to be filed. The issue involved in appeal is as to whether the petitioner is a 'public authority' as defined under RTI Act and without deciding the issue, directions were given to furnish information.

Learned counsel appearing for respondents No. 1 and 3 is not in a position to controvert the factual aspect raised by learned counsel for petitioner.

The perusal of impugned order directing to supply information was passed without deciding the issue as to whether the petitioner falls within the definition of 'public authority'. The direction issued in the impugned order for providing information during the pendency of appeal is set aside. The Commission shall first decide the issue as to whether the petitioner falls within ambit of definition of 'public authority' or not.

Since the main case has been decided, pending application, if any is rendered infructuous.

30th January, 2023

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>