

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

CWP No. 1372 of 2018 (O&M)

DECIDED ON: 15th February, 2023

Bhola Singh

.....PETITIONER

VERSUS

Central Information Commission and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Pardeep Kumar Rapria, Advocate and
Mr. Ripu Daman Boora, Advocate for petitioner.

Mr. Kannan Malik, Advocate for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

1. This writ petition is filed seeking directions to respondents to furnish the information sought by petitioner vide application dated 11.12.2013. Further prayer is for compensation under Section 19 of the Right to Information Act, 2005 (for short 'the Act') and for imposing penalty on Central Board of Secondary Education (for short 'CBSE') under Section 20 of the Act.

2. The facts pleaded are that the petitioner made an application on 11.12.2013 to CBSE to provide information in respect of DAV Centenary Public School, Sirsa (Haryana), (for short 'the school'). The information asked for was:-

- (i) List of all staff members teaching/non-teaching along with their designation and service status;
- (ii) Were the teachers teaching their classes/subject according to their designation;
- (iii) Provide timings along with time-table of teachers teaching classes eleventh and twelfth in the year(s) 2010-11, 2011-2012, 2012-2013, 2013-2014 along with their designation;

- (iv) Details of the employee/teachers promoted in 1989;
- (v) Details of, if the principal of the school was designated as Centre Superintendent/Chief in CBSE Open Board Exam;
- (vi) Copy of LMC members along with their qualifications, designation, addresses, phone numbers;
- (vii) Details of LMC members nominated by CBSE;
- (viii) Criteria/Qualification adopted to be a LMC member;
- (ix) Percentage of LMC members from the local area and was it necessary to inform the agenda to the LMC member before any meeting;
- (x) If the principal had issued the copy of agenda to CBSE nominated LMC members;
- (xi) Lastly, was it necessary to take permission from the nominated LMC member for dispensing/terminating/declaring surplus the services of regular employee.

3. Aggrieved of non-supply of information, the petitioner filed first appeal on 17.1.2014. Considering that Public Information Officer (for short 'PIO') had forwarded the application for providing information, the appeal was disposed of on 29.1.2014 and the concerned was directed to furnish information. It was further stated that for failure of the concerned to provide information CBSE will not be responsible. Still not satisfied, second appeal was preferred. The Commission disposed of the appeal on 10.11.2015 directing PIO to collect information from the school and provide it to petitioner. Needful having not been done, a complaint under Section 20 of the Act was filed on 15.1.2016 and thereafter reminder given on 9.3.2016. On 19.9.2016 reminder was given to the PIO for complying the direction of the Commission. PIO gave a reminder to the school on 20.9.2016 for providing information.

4. PIO on 20.10.2016 provided the information available with CBSE and annexed the reply of the school objecting to the supply of the requisite information.
5. Petitioner vide letter dated 24.10.2016 raised the grievance before the Commission that complete information was not provided. A complaint dated 18.9.2017 was made before the Commission for imposing penalty on the erring officials of the CBSE.
6. Learned counsel for the petitioner submits that the information sought vide application dated 11.12.2013 was not furnished *inspite of* the directions given by the Commission. It is further argued that the petitioner be compensated and penalty be imposed on PIO.
7. Learned counsel for respondent No.2 submits that the information available with the CBSE was supplied to the petitioner.
8. Heard learned counsel for the parties and perused the pleadings.
9. The petitioner is seeking directions to CBSE for furnishing of the information relating to the school which was neither made party before the RTI authorities including the Appellate authorities nor is respondent in the present petition.
10. The matter needs to be examined from another angle. The petitioner was provided information available with CBSE and also the response received from the school wherein Section 8 of the Act was relied upon for objecting to the disclosure of the information. The petitioner has not availed legal remedies against the school and not even annexed the said letter with the writ petition.
11. It would not be out of place to mention that the petitioner has adopted the indirect method for getting the information relating to the school

12. The complaint of the petitioner is pending before the Commission. For compensation and imposition of penalty on PIO, the petitioner has a remedy which is being availed before the Commission.

13. Consequently, no case is made out for directing respondents to supply information as no direction can be issued in the writ petition at the back of the affected party.

14. No interference is called for with regard to the prayer made for imposition of penalty and compensating the petitioner.

15. The petition is dismissed.

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

15th February, 2023

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>