

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.9675 OF 2009
ALONG WITH
CIVIL APPLICATION NO.1411 OF 2010**

Kolhapur Diocesan Council's Sangli	]	
Industrial School & St. Thomas English	]	.. Petitioner /
School, Sangli	]	Applicant

Versus

1. The State of Maharashtra,	]	
Through Department of Higher and	]	
Technical Education	]	
2. Government Officer Right to Information	]	
Act & Superintendent District Industrial	]	
Education & Training Officer, Sangli	]	
3. Shahir Kishan Awale	]	
4. Anand Asher Kedar	]	
5. Madhusudan Devid Bhosale	]	
6. Pitar J. Ghohin	]	
7. Robin Abraham Dhanwde	]	
8. Vinod Baidul Holkar	]	
9. Anand Yashwant Sawardekar	]	.. Respondents

Mr. Nilesh Wabale with Ms. Rutuja Khatmode, i/by Mr. Umesh Mankapure,
Advocates for the Petitioner-Applicant.

Mr. S.P. Shetye, AGP for Respondent Nos.1 and 2.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 22ND APRIL, 2024.

[THROUGH HYBRID HEARING]

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. By this writ petition, the petitioner, which is a Public Trust registered under the provisions of the Maharashtra Public Trusts Act, 1950, seeks a declaration that the provisions of the Right to Information

Act, 2005 are not applicable to it especially in the light of the fact that it is not receiving any grant-in-aid or financial support from the State Exchequer. This declaration has been sought in the backdrop of the communications issued to the Trust to supply information that was sought by respondent nos.3 to 9.

2. The Full Bench of this Court in *People Welfare Society, through its President Madhukarrao Wasnik Vs. State Information Commissioner and Ors.*, 2024 SCC OnLine Bom 716, considered the following question :

Question : Whether a Public Trust registered under the provisions of Maharashtra Public Trusts Act, 1950, which is running an institution that receives grant from the State is duty bound to supply information sought from it under provisions of Right to Information Act, 2005?

3. While answering the same, it has been held as under :

“53. If the information solicited under the RTI Act is regarding the Public Trust, then there is no obligation to supply the information if such Public Trust does not fall within clause (i) of sec. 2(h) of the RTI Act and has not received any substantial Government largesse or land on concession to implement the aims and objects of the said Public Trust.

In case the information solicited is in respect of the Educational or other Institutions run by the Public Trust, then depending on the extent of financial support given by the State, in case such finance is found to be

substantial, which is a plea to the decided by the Information Commissioner, information relating to such Educational or other Institutions can be directed to be supplied.

The Charity Commissioner would also not be legally obliged to supply such information which may be collected by him in respect of the Public Trust under the provisions of the Maharashtra Public Trusts Act in case such information falls under the exempted category mentioned in Section 8(j) of the Act and the demand does not have statutory backing.

In case the information solicited does not fall in the exempted category under Section 8 of the RTI Act, then information as submitted to the Authorities under the provisions of the Maharashtra Public Act under its various provisions by the Public Trust can be supplied by the Authority who has the custody of such information.”

4. From the aforesaid, it is clear that when information solicited is in respect of an Educational Institution run by the Public Trust, then it is necessary for the Information Commissioner to consider whether the Educational Institution receives financial support from the State Government. In case such financial support is found to be substantial, the information can be directed to be supplied.

5. In the present case, it is the specific pleading of the Trust that neither the Public Trust nor the Institutions run by it receive any financial support (para 4 of the writ petition). It is thus clear from the decision of

the Full Bench in *People Welfare Society (supra)* that in absence of any financial support being received by the Institution run by the Public Trust, it would not be obliged to supply such information pertaining to the Institution.

6. Insofar as information sought from the Charity Commissioner is concerned, it has been held that if the information sought falls under the Exempted Category as mentioned in Section 8(j) of the Act of 2005, the Charity Commissioner would not be legally obliged to supply the same. It is only if the information sought does not fall in the Exempted Category, then the same can be supplied by the Authority under the Act of 1950.

7. We therefore find that in view of the judgment of the Full Bench in *People Welfare Society (supra)*, the prayers made in the petition now stand answered. The petitioner as well as the respondents would be governed by the aforesaid law. They are free to act in accordance therewith.

8. With aforesaid clarifications, Rule is disposed of. Pending Civil Application is also disposed of.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]