



WEB COPY



W.P.No.29960 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.29960 of 2024**

K.Malathi

... Petitioner

-Vs-

1. The Tamil Nadu State Information Commission,  
Rep. By Its Commissioner,  
Nandanam, Chennai 600 035.

2. The First Appellate Authority,  
Walaja West Regional Education Officer,  
Walaja 632 513.

3. The Public Information Officer,  
Walaja West Regional Education Office,  
Walajapet 632 513.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to comply with the order of the first respondent in SA.No.5356/D/2023, dated 23.11.2023 and furnishing the documents based upon RTI application dated 05.11.2022 and consequently direct the first respondent to invoke the proceedings U/s.20(1) of RTI Act against the third respondent for disobedience to comply with the order dated 23.11.2023.

For Petitioner : Mr.Raja Jeyaraman



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For R1 : Mr.C.Vigneswaran  
Standing Counsel  
For R2 and R3 : Mr.V.Manoharan  
Additional Government Pleader

### **ORDER**

This writ petition has been filed for direction directing the third respondent to comply with the order of the first respondent in SA.No.5356/D/2023, dated 23.11.2023 and furnishing the documents based upon RTI application dated 05.11.2022 and consequently direct the first respondent to invoke the proceedings U/s.20(1) of RTI Act against the third respondent for disobedience to comply with the order dated 23.11.2023.

2. Heard both sides and perused the materials available on record.

3. The petitioner sought for information under the Right to Information Act before the third respondent under Section 6(1) of the Right to Information Act. The following are the information sought for by the petitioner:-

- (i) The service records of my husband (Late) Mr.K.M.Kanniappan,
- (ii) The details of the person who appointed on compassionate grounds,
- (iii) The copy of the order if any regarding clause (ii) and
- (iv) The copy of NOC if any furnished.

4. However, it was not considered and as such, the petitioner filed a first appeal as contemplated under Section 19(1) of the Right to Information Act



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before the second respondent and the petitioner was not provided with any information and as such, the petitioner was constrained to file second appeal before the first respondent as contemplated under Section 19(3) of the Right to Information Act. The first respondent, after enquiry, by an order dated 23.11.2023 directed the third respondent to provide information as sought for by the petitioner, within a period of 30 days and to submit a report. However, so far, the order has not been complied with by the third respondent. Thereafter, the petitioner submitted a representation before the first respondent on 04.01.2024 and also subsequent remainder seeking direction to the third respondent to comply with the order passed by the first respondent.

5. On instructions, the learned standing counsel appearing for the first respondent submitted that there is a format under Rule 10 of the Tamil Nadu Information Commission (Appeal Procedure) Rules, 2012 for non compliance of the directions issued by the first respondent to be filed before the first respondent.

6. In view of the above, the petitioner is directed to submit an application as contemplated under Rule 10 of the Tamil Nadu Information Commission (Appeal Procedure) Rules, 2012, before the first respondent, within a period of



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one week from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to deal with the application in accordance with law and dispose of the same, within a period of eight weeks thereafter.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

14.10.2024

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation : Yes/No  
mn

To



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1. The Commissioner,  
The Tamil Nadu State Information Commission,  
Nandanam, Chennai 600 035.

2. The First Appellate Authority,  
Walaja West Regional Education Officer,  
Walaja 632 513.

3. The Public Information Officer,  
Walaja West Regional Education Office,  
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**G.K.ILANTHIRAIYAN. J,**

mn



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