



W.P.(MD) No.22627 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.22627 of 2017
and
W.M.P.(MD) No.18925 of 2017**

R.C.Vasuki

... Petitioner

/vs./

1.The Tamil nadu Information Commission,
Rep. by the State Chief Information Commissioner,
No.2, Theagaraya Road,
Teynampet,
Chennai 600 018.

2.The Public Information Officer,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli 627 012.
Tirunelveli District.

3.K.Baby

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for records pertaining to the Impugned order



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in Case No.SA7408/D/2017 dated 07.11.2017 on the file of Respondent No.1 and quash the same as illegal to the extent of imposing payment of compensation of Rs.10,000/- to be paid by the petitioner.

For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.K.K.Senthil
For R2 : Mr.Mohaboob Athiff for
M/S.Ajmal Associates
For R3 : No appearance

ORDER

There is no representation on behalf of the third respondent.

2. The above writ petition has been filed for a Writ of Certiorari to quash the order passed in Case No.SA7408/D/2017 dated 07.11.2017 by the first respondent.

3. The petitioner, who is the Public Information Officer of A.P.C. Mahalaxmi College for Women, has approached this Court to quash the order passed by the first respondent dated 07.11.2017, aggrieved by the fact that the first respondent had not considered the explanation offered by her, but has sought to impose a punishment directing her to pay compensation.



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4. The facts briefly are as follows:

4.1 The petitioner is the Principal of A.P.C. Mahalaxmi College for Women coming under the second respondent University from 2014 onwards. The third respondent had worked as Lecturer in the Department of Mathematics in the vacancy caused due to Tmt.V.Baby Thilaga, Lecturer in Mathematics taking a leave undergoing 1 year Ph.D., programme at the Madurai Kamaraj University.

4.2 The petitioner would submit that the second respondent had sent a communication dated 30.08.2017 addressed to the petitioner asking her for details on the petition received by the second respondent from the third respondent under the Right to Information Act. The communication also mentioned that the copy of the petition was forwarded on 10.07.2017, which was however not received by the petitioner. The petitioner therefore requested the second respondent to send a copy of the petition and the same was also sent to the petitioner. Immediately, the information was forwarded to the third respondent through a communication dated 31.08.2017 with a copy marked to the second respondent. It appears that



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even before the communication was forwarded to the petitioner, the third respondent had filed an appeal before the first respondent on 23.08.2017.

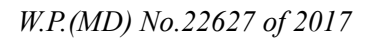
4.3 On 02.11.2017, the petitioner had received a notice for enquiry from the first respondent. She had attended the same and submitted her explanation and also the information has been provided. The first respondent had not given serious consideration to this explanation and even before receiving the response, the third respondent had filed the appeal.

5. In the impugned order, the first respondent would submit that the following records were directed to be produced at the time of enquiry:

"a. File in which the appointment of the petitioner was made.

b. File in which proposals and reminders were sent to UGC."

6. A perusal of the notice for enquiry signed on 02.11.2017 does not reflect the above. Further, the Commission has also not considered the fact that the third respondent's request has been complied with in her reply dated 31.08.2017 and the non application of mind on the part of the first respondent is evident from the



"a. The petition on transfer from the University should have been received around 15.07.2017, and, therefore, the reply should have been sent by 15.08.2017. However it was sent only on 31.08.2017 with a delay of 15 days over and above the limit laid down in section 7(1)."

7. The records would show that it was only on 30.08.2017 that the second respondent has forwarded the letter of the third respondent to the petitioner and on the very next day, the information has been forwarded. Even before the receipt of the information, the appeal has been filed.

8. In the light of the above, the Writ Petition stands allowed. The order passed by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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