



W.P.(MD) No.23519 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23519 of 2017

and

W.M.P.(MD) No.19790 of 2017

R.Thennarasi

.. Petitioner

Vs.

1.The Chief Information Officer,
State Information Commission,
No.2, Thiyagaraya Salai,
Tenampet, Eldams Road Junction,
Chennai-600 018.

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

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the orders passed by the first respondent vide proceedings in case No.SA 11831/D/2016, dated 10.01.2017, quash that



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part of the order which denies information to the petitioner in Para 6 at Page 2 to the petitioner's query No.14 and consequently direct the second respondent to provide the information sought for by the petitioner for query No.14.

For Petitioner : Ms.D.Geetha
For R1 : Mr.K.K.Senthil
For R2 : Ms.K.Jasima Yasmin

ORDER

This writ petition has been filed for the following relief:

“ For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to pass an Order, Writ or a Direction, more particularly in the nature of a Writ of Certiorarified Mandamus to call for the records pertaining to the orders passed by the 1st Respondent vide proceedings in case No.SA 11831/D/2016, dated 10.01.2017, quash that part of the order which denies information to the Petitioner in Para 6 at Page 2 to the Petitioner's query No.14 and consequently direct the 2nd Respondent to provide the information sought



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for by the petitioner for query No.14 and pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”

2. In the counter affidavit filed by the second respondent, at paragraph 11, it has been stated as follows:

“I respectfully state that I am advised to state that the proceedings of the inquiry under the Act is confidential in nature and Section 16 of the Act specifically prohibits the publication or making known the contents of complaint and inquiry proceedings not withstanding anything contained in the Right to Information Act, 2005. Therefore, all the documents relating to the inquiry by the Internal Complaint Committee has been kept as confidential. Further, the appellate authority viz., the 1st respondent herein has observed in the impugned order that the information sought for by the Petitioner in her Request No.14 is the personal information of the employee and as such furnishing of the said information would amount to invasion into his privacy. Without prejudice to the above said



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contentions, if this Hon'ble Court-directs this respondent to furnish any copy of the proceedings against the said Assistant Professor viz., Vinoth Vincent Rajesh, we will abide by it."

3. Considering the fact that the petitioner is already a party to the proceedings and evidence has been taken into her presence, the refusal of the first respondent to grant the documents appears to be misconceived and the impugned order is liable to be set aside.

4. Accordingly, this Writ Petition is allowed, the impugned order is set aside and a direction is issued to the second respondent provide the documents to the petitioner for Query No.14.

5. The learned counsel for the petitioner is directed to provide the present address of the petitioner for communication to the learned counsel for the second respondent, so that the second respondent could intimate the petitioner about the date on which she could come to receive the documents.



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6. The documents shall be handed over positively within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

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

abr

To

- 1.The Chief Information Officer,
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- 2.The Public Information Officer,
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P.T.ASHA, J.

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