



Date of Decision : 06-09-2024

VERSUS

**STATE INFORMATION COMMISSION HARYANA AND
ANOTHER**

.....Respondent(s)

5.

CWP No.4326 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)
6.

CWP No.4327 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)
7.

CWP No.4328 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)
8.

CWP No.4329 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)
9.

CWP No.4331 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

10. CWP No.4332 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

11. CWP No.4333 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

12. CWP No.4335 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

13. CWP No.4337 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

14. CWP No.4343 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

15. CWP No.4345 of 2019

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

16. CWP No.4346 of 2019(O&M)

GURU JAMBHESHWAR UNIVERSITY OF SCIENCE AND
TECHNOLOGY HISAR AND OTHERS

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

17. CWP No.4085 of 2021

RAKESH KATARIA AND ANOTHER

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

18. CWP No.6504 of 2021

STATE PUBLIC INFORMATION OFFICER

.....Petitioner(s)

VERSUS

STATE INFORMATION COMMISSION HARYANA AND
ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Gupta, Advocate for the petitioners.

Mr. Saurabh Girdhar, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Present bunch of eighteen writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

The grievance being raised by the petitioners in the present set of petitions is that information being sought the complainant Dr. Sambhav Garg, along with other members of his family who is brother of Bhavet Garg who competed for the post of Assistant Professor, MBA Department in the petitioner-University and was not selected and all the proceedings with regard to seeking of information is with the vendetta in order to harass the University authorities. Reliance is placed upon Paragraph 30 of the judgement in Civil Appeal No.6454 of 2011 titled “***Central Board of Secondary Education Vs. Aditya Bandopadhyay***” decided on 09.08.2011.

Whereas the learned counsel appearing on behalf of the complainant submits that once a right has been given to seek information under the Right to Information Act, the complainant can seek information as he/she desires after complying with the provisions of the Act and the assertion of the petitioner that the complainant is vindictive, cannot be seen by the Information Commission and the only jurisdiction of the Information Commission is to ensure the supply of the information as being sought under the Right to Information Act.

Learned counsel for the respondents further submits that the issue with regard to the release of the information is still pending before the Information Commission, Haryana and in case, any order is passed by the

Information Commission, Haryana, the aggrieved party can avail appropriate remedy in accordance with the law.

I have heard learned counsel for the parties and have gone through the records of the present set of cases with their able assistance.

The right to seek information in case is permissible under the Right to Information Act, the information has to be supplied with but the jurisdiction of the Information Commission is to pass appropriate order but after dealing with all the pleas raised either on behalf of the complainant or on behalf of the institution with regard to the stand taken by them before the Information Commission. In case, the supply of any information is being resisted by the institution, by citing any ground, it becomes the duty of the Information Commission to decide the said issue before passing any appropriate order as to whether, the information is to be supplied with or not. Without dealing with the objections raised by the institution, the order cannot be passed summarily by the Information Commission especially when all the issues raised by the institution are not dealt with.

It is a settled principle of law that all the orders to be passed by the adjudicating authority should be reasoned one. The reasons have to flow for arriving at a particular conclusion. In case, any objection or plea is raised by any authority, the same has to be dealt with by giving due reasons for accepting or rejecting the same. Hence, the present bunch of petitions are disposed off with the following directions:-

- (1) The Information Commission, Haryana will look at all the aspects with regard to the information being claimed by the complainant.

- (2) The Commission will record the findings as to whether, under the Right to Information Act, the information being sought is admissible or not whether the same and whether, the grant of information will cause prejudice to any 3rd party with regard to Right to Privacy.
- (3) Further, the objections regarding the admissibility of the claim raised by an institution with regard to supply of certain information being demanded, should be dealt with by giving due reasons either for accepting or rejecting the same hence, any objection raised by the petitioner before the Information Commission, Haryana should be dealt with by the respondent-Committee either by accepting or rejecting the same by giving due reasons.
- (4) The petitioner-Institution is before this Court raising a particular plea that the complainant is seeking information in a vindictive manner so as to hamper the working of the University as, the University officials are being made to work on the supply of the information rather than the discharging the duties for which they have been appointed in the University. The reliance is being placed upon Paragrah No.37 in *Aditya Bandopadhyay's case (supra)*.

The said argument is being resisted by the learned counsel for the respondent-complainant and submits that he has a right under the Right to Information Act to seek information and the University is bound to supply

the information without looking into the fact whether, the information is being sought in a vindictive manner or not.

This issue will be dealt with by the Commission while passing appropriate order whether, the University authorities can be made to suffer on account of the seeking of the information. The Information Commission should keep in mind observations in Paragraph 37 of the abovementioned judgment of the Hon'ble Supreme Court of India in ***Aditya Bandopadhyay's case (supra)*** and decide whether, the plea of the Institution that the information being sought by the respondents is in a vindictive manner needs to be accepted or not. Due reasons be given for arriving at a particular conclusion either in favour of the University or in favour of the respondent-complainant.

Learned counsel for the respondent-complainant is citing judgment of the Hon'ble Supreme Court in WP (Civil) No.194 of 2012 titled ***"Common Cause Vs. High Court of Allahabad and ors."*** Decided on 28.03.2018 and in view of the judgment of this Court in CWP No.8248 of 2018 titled ***"Jaiveer Singh Vs. State Information Commission, Haryana"*** decided on 28.02.2019, which should also be taken into account while deciding the issue.

It is made clear that any order by the Information Commission in the cases which are pending relating to the petitioner-University and the respondent-complainant, if the petitioner-University or the respondent-complainant is aggrieved against any order, they can avail remedy before the appropriate forum.

It is made clear that after the passing of this order, before giving any direction to the petitioner-University to supply any information, the objections raised by the University will be decided by the Information Commission by passing appropriate speaking order whether the same are valid or not and it is thereafter, that any order directing the release of the information will be passed by the Information Commission and the direction given hereinbefore by this Court be also kept in mind.

The present bunch of petitions are disposed of in above-stated terms.

Pending applications, if any, also stand disposed of.

Photocopy of this order be placed on the files of other connected cases.

06-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: : YES/NO
Whether reportable: YES/NO