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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 145/2023**

DR R S GUPTA

.....Petitioner

Through: Petitioner in person.

versus

GOVT. OF NCT OF DELHI AND OTHERSRespondents

Through: Mr. Avishkar Singhvi, ASC with
Mr. Naved Ahmed and Mr. Vivek
Kumar Singh, Advocates.
Ms. Aakriti Garg, Advocate for
Mr. Parvinder Chauhan, Advocate for
R-9.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

19.12.2024

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1. The Petitioner filed two applications under the Right to Information Act, 2005¹ dated 15th February, 2020 and 29th February, 2020 with the Public Information Officer,² Directorate of Education. When the information was denied, he preferred an appeal to the First Appellate Authority and then a second appeal to the Central Information Commission who passed the impugned order dated 14th September, 2021. The impugned order reads to the following effect:

“Decision:

Commission has gone through the case records and on the basis of proceedings during hearing observes that in case no.

¹ “RTI Act”

² “PIO”



CIC/DIRED/A/2020/127987 no reply has been provided by then PIO and in case no. CIC/DIRED/A/2020/127989 there is blatant delay in providing the reply. Commission expresses severe displeasure over such callous conduct of the then PIO in not having provided any reply, on the instant RTI Applications, within the time frame stipulated under the RTI Act. Now, Commission was unable to procure the name of the then PIO, therefore Commission, directs then PIO, through the present PIO to send his/her written submissions to justify as to why action should not be initiated against him/her under Section 20 of the RTI Act for the gross violation of its provisions. In doing so, if any other persons are also responsible for the omission, the then PIO shall serve a copy of this order on such other persons under intimation to the Commission and ensure that written submissions of all such concerned persons are sent to the Commission. The said written submission of then PIO along with submissions of other concerned persons, if any. should reach the Commission within 30 days from the date of receipt of this order.

The present PIO will ensure service of this order to then PIO. Nevertheless, Commission upon perusal of the written submission dated 13.09.2021 observes that point wise reply has been provided to the appellant by present PIO in both the referred cases and same is deemed apt. No further action lies.

Both the appeal(s) are disposed of accordingly.”

2. While the CIC has in the final decision proceeded against the PIO under Section 20 of the RTI Act, as regards the supply of the information, it has been noted that the written submissions dated 13th September, 2021 filed by the PIO have been provided to the Petitioner, which was considered to be appropriate and no further action was directed.

3. Having received the said decision, the Petitioner has now filed the instant writ petition seeking the following:

“ (a) issue an appropriate writ, order or direction to set aside / quash the Impugned, (joint) order of the Second Appeals, vide Appeals No. CIC/DIRED/A/2020/127987 & CIC/DIRED/A/2020/127989, dated 14.09.2021 (ANNEXURE-P/2-Pg.60-73), being infructuous, caused the R-05, Ms. Sunita Shokeen, Dy. Director of Education, Zone-XII, misled the Information Commission, R-05 is neither the legal authority of the PIO, nor she has vested powers in plagiarized and alleged the verbatim of



Written Submissions, dated 13.09.2021 on her official Letter Head of the NATIONAL CAPITAL TERRITORY OF DELHI, DIRECTORATE OF EDUCATION, which has willfully been prepared for the perusal of the Commission, by R-05, in restrain the Petitioner from providing the information in Appeals, being false, unfair and plagiarized the entire contents of the Letter, dated 31.08.2020 (ANNEXURE-P/11 of R-6-Pg.103-104) and para 2 of the Letter, dated 13.07.2020 (ANNEXURE-P/9 of R-6-Pg. 95) being illegally issued by R-06 as R-06 has no role in the present RTI application, which has originally been filed before R-04, being the authorized Public Information Officer (PIO) at District Level only who is the sole custodian of the records required under RTI ACT, 2005.

(b) Issue an appropriate order or direction quashing / setting aside the impugned plagiarized Written Submissions, dated 13.09.2021 (ANNEXURE-P/1) (Pg. 53-54), prepared for the perusal of the Commission & filed by R-5, Ms. Sunita Shokeen, Dy. Director of Education, Zone-XII, Govt. of NCT of Delhi in the Impugned Appeals, misconducted on her official Letter Head of the "GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI, DIRECTORATE OF 45 EDUCATION.", illegally & willfully plagiarized the entire contents of the order, dated 31.08.2020 (ANNEXURE-P/11 of R-6-Pg.103-104) & also para 2 of the order, dated 13.07.2020 (ANNEXURE-P/9 of R-6-Pg.95) R-5 is neither the legal Public authority on 13.09.2021, nor has vested powers to plagiarize and officially misused her official powers as PIO, and also misled the Information Commission, by committing misconduct of the post in the exercise of powers of Director of Education, Govt. of NCT of Delhi, committed gross cheating, vide Appeal No. CIC/DIRED/A/ 2020/127987 & another appeal No. CIC/DIRED/A/ 2020 /127989, (jointly ordered by Information Commission) dated 14.09.2021, is the violation of RTI Act, 2005 & Copy Right Act, 1957 with Copy Right Rules, 2013.

(c) issue an appropriate order or direction thereby directing the Respondent No.1 and 09 to take a serious action against R-05 in mis-exercised the powers of Director of Education, Govt. of NCT of Delhi in filed the PLAGIARIZED Written Submission, dated 13.09.2021 (ANNEXURE-P/1) (Pg. 53-54) from the Order, dated 31.08.2020 (Annexure-P/11- Pg. 103-104) & also para 2 of the order, dated 13.07.2020 (Annexure-P/09- Pg.95) on her official Letter Head of Govt. of National Capital Territory, Directorate of Education,.. against the Petitioner, being illegally, malafidely denied and plagiarized, placed the false, frivolous, unfair and unapproved information, without collecting thorough and proper investigation against the Petitioner before the Information Commission.



(d) Issue an appropriate order or direction thereby imposing penalties against R-5 for having neither furnished the information till date, nor having complied the orders of the Appeals (jointly) order, vide Appeals No. CIC/DIRED/A/2020/127987 & CIC/DIRED/A/2020/127 dated 14.09.2021 till date @ Rs. 250/- per day in both the Appeals separately U/S 20 of RTI Act, 2005, in the interest of justice 46. to prevent the miscarriage of justice.

(e) issue an appropriate order or direction thereby directing the authorized PIO / R-04, DDE District North West B to provide required information / documents who had originally issued the approvals of suspension orders of the Petitioner (ANNEXURE - P/5) connected entire files are lying in the custody of the authorized Public Information Officer (PIO) - R-04, Dy. Director of Education, District North West-B.

(f) issue an appropriate order or direction award the cost of the litigation expenses in favor of the Petitioner on account of being deliberately harassed and for the constant victimization of the Petitioner through respondents no. 5 & 6.

(g) may pass such other and further order as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. The prayer as worded does not make any sense. However, with the assistance of Mr. Avishkar Singhvi, ASC, the Court has understood the grievance of the Petitioner. It appears that the Petitioner has levelled allegations of plagiarism against the PIO stating that the written submissions dated 13th September, 2021 filed by the PIO before the CIC were plagiarised from the information which was received from Geeta Senior Secondary School No-2 on 31st August, 2020.

5. Having considered the afore-noted, in the opinion of the Court, the allegations of plagiarism raised the Petitioner are entirely misconceived. The School provided the information sought by the PIO, Directorate of Education, and on that basis this information, submissions were advanced before the CIC. The Petitioner cannot assert copyright violations on the



pleadings. None of the grounds raised by the Petitioner exhibit any reason for this Court to entertain a petition under Article 226 of the Constitution of India, 1950.

6. Accordingly, the petition is dismissed.

SANJEEV NARULA, J

DECEMBER 19, 2024/mk