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

+ **W.P.(C) 5279/2016 & CM APPL. 22087/2016**

GOPESH MEHROTRA

..... Petitioner

Through: Mr. Shashwat Singh Gaur, Advocate.

versus

UNIVERSITY COLLEGE OF MEDICAL SCIENCES

..... Respondent

Through: Ms. Manisha Singh and Mr. Vishal
Ashwani Mehta, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

30.01.2024

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1. The Petitioner has approached this Court challenging the Order dated 05.05.2016 passed by the Ld. Central Information Commission (CIC) in CIC/RM/C/2014/004375-SA and CIC/RM/C/2014/004376-SA.

2. The facts of the case reveal that the Petitioner approached the CPIO of University College of Medical Sciences seeking relevant pages of the attendance register maintained and kept in the office of Department of Radio Diagnosis, UCMS and GTB hospital in which every consultant/family members working in the department have signed. The said information was not given to the Petitioner *vide* Order dated 11.11.2013 and the Petitioner was advised to minimize and prioritize the requirement of data/information so that the same could be provided to the Petitioner. The said Order dated 11.11.2013 was challenged before the Appellate Authority and the Appellate



Authority also did not give the information which led to filing of the Second Appeal before the Ld. CIC. The Ld. CIC dismissed the application of the Petitioner *vide* the Impugned Order dated 05.05.2016 and observed that the Petitioner herein who is working as a professor in Department of Radiology has filed more than 100 RTI applications demanding all sorts of sundry information. Paragraph No.4 of the Impugned Order reads as under:

“4. After reading some of his RTI applications, information furnished to him and hearing the elaborate representation from CPIO Rajesh Kumar, Arun kurnar, PA to HoD, Dr. Vinita Rathi, Professor of Radiology deputed by Dr. Lalendre Upreti, the HoD, to explain the problems created by this appellant, the Commission finds him as an abuser of RTI and his conduct during employment amounts to mis-conduct as he is not using the official quality time to diagnose the medical problems of patients and teaching but wasting for writing these frivolous RTI applications. It was also reported that he files numerous representations and complaints to Principal on frivolous grounds, that he does not recognize the HoD and prepared rubber stamps ‘under protest’, ‘it is illegal’, ‘against the rules’ and ‘illegal HoD’ etc. It is surprising to note inaction and lethargy of the management of the College, in not taking disciplinary action against this kind of mis-conduct and in result putting the employees and patients to suffering. It was represented that not only that the appellant professor does not attend to his work during the working hours but also does not allow other officers to attend to their duties because they have to be prepared to answer his frivolous questions. The employees do not have any right to misuse the RTI for harassing their employer and colleagues to the detriment of education of the students and the educational institution. Hence, rejected.”



3. At the outset, it is pertinent to mention here that the reasons given in the aforesaid Impugned Order cannot be sustained. The information sought for by the Petitioner could have been rejected only on any of the grounds enumerated under Section 8 or under Section 24 of the RTI Act.
4. Be that as it may, when this Court pointed out to the learned Counsel appearing for the Petitioner that the information, as sought for by the Petitioner, would be hit by Section 8(1)(j) of the RTI Act, the learned Counsel for the Petitioner seeks permission to withdraw the present writ petition with liberty to file a fresh application.
5. Permission and liberty, as sought for, are granted.
6. It is made clear that on the application being filed by the Petitioner, the same be considered on its own merits, uninfluenced by the observations made by the Ld. CIC in the Impugned Order. It is also made clear that the number of applications under RTI cannot be a reason to deny information under RTI Act.
7. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JANUARY 30, 2024

S. Zakir