



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C)/193/2025

SHRI TALITOSHI AND 5 ORS
S/O SHRI ALEMNUNGSANG, GMS SUGARMILL, DIMAPUR-797112

2: SHRI H. AKAITO SEMA
GHS KHAGHABOTO
DIMAPUR NAGALAND

3: SHRI VIHEPU T. SEMA
GHS DIPHIPAR B
DIMAPUR NAGALAND

4: SHRI PEKINGTO Y. JIMO
GHS NAGA UNITED VILLAGE
DIMAPUR
NAGALAND

5: SMTI. TOIKALI G. ZHIMOMI
GHS AKAHUTO ZUNHEBOTO

6: SMTI ROSY SWU
GHS AKAHUTO ZUNHEBOTO
NAGALAND

VERSUS

STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2: COMMISSIONER AND SECRETARY
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
NAGALAND KOHIMA

3: COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION

NAGALAND KOHIMA

4:THE PRINCIPAL DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIMA

5:THE DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
NAGALAND KOHIM

Advocate for the Petitioner : Z. ZHIMOMI, ZUCHAMO Y KIKON,LOVIKATO
SWU,KUPULI SWU,NEWTON ZHIMOMI

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25.09.2025

Heard Ms. Z. Zhimomi, learned counsel for the petitioners and Mr. Imti
Imsong, learned Additional Advocate General, Nagaland for all the respondents.

2. The petitioners, 6 [six] in nos., have joined together to institute the
present writ petition to assail an Urgent Notice dated 19.09.2025 issued by the
Principal Director, Department of School Education, Nagaland [the respondent
no. 4].

3. By the Urgent Notice dated 19.09.2025, the respondent no. 4 has
directed the District Controlling Officer [DEO Dimapur/DEO Kohima/DEO
Zunheboto/SDEO Dimapur/SDEO Peren/SDEO Chozuba/SDEO Pughoboto/SDEO
Atoizu/SDEO Zunheboto/SDEO Medziphema] to take immediate necessary
action in notifying the Teachers serving under their establishment to furnish the
required documents listed in annexure thereto without delay to their respective
offices for timely submission to the Directorate Office. In Annexure-1 to the
Urgent Notice, a list of Teachers along with their details has been provided. By

the Urgent Notice, the last date for submission of the required documents to the Directorate Office was fixed on 24.09.2025. The petitioners' names have figured in Annexure-I to the Urgent Notice dated 19.09.2025. In Annexure-2, the list of documents, which are to be submitted, are mentioned. They are :- [1] First Appointment Order; [2] Regularization Order; [3] HSLC Admit Card & Marksheet; [4] P.U. Admit Card & Marksheet; [5] Graduation Admit Card & Marksheet; [6] Master Degree Admit Card & Marksheet; and [7] B.Ed Degree Admit Card & Marksheet

4. It is contended on behalf of the petitioners that an applicant submitted an application [Annexure-1] before the Public Information Officer, O/o the Directorate of Education, Nagaland seeking information under the Right to Information [RTI] Act. In the application, the applicant has sought various details of 47 nos. of Teachers. Among the information sought, the academic qualifications and marks obtained by those Teachers in various examinations from HSLC Examination onwards are included. The applicant has also sought the appointment orders, regularization orders, etc. of those 47 nos. of Teachers. The names of the six petitioners herein are among those 47 nos. of Teachers. It is contended that the Urgent Notice has been issued only for the purpose of supply the information in response to the said application submitted under the RTI. The petitioners have contended that the Urgent Notice is only relatable to the said application under the RTI Act. It is further contended that the information sought by the applicant in his application under Section 6 of the RTI Act and the information sought to be disclosed by the respondent no. 4, as evident from Annexure-2 to the impugned Urgent Notice, are personal information. It is, thus, contended that the respondent no. 4 is contemplating to disclose the information, which is protected under Section 8[1][j] of the RTI Act.

5. Mr. Imsong, learned Additional Advocate General, Nagaland has submitted that by the Urgent Notice dated 19.09.2025, the respondent no. 4 has merely asked for submission of the documents and as such, the same cannot be termed as violation of the rights of the petitioner. The respondent no.

4 being the appointing authority of the petitioners, is well within his authority and jurisdiction to call the information and the documents, as mentioned in the Urgent Notice.

6. Having regarded the nature of the contentions raised, this Court is of the view that instead of keeping this petition pending, this writ petition can be disposed of at the motion stage itself, as sought for and as agreed to by the learned counsel for the parties.

7. Under sub-section [1] of Section 6, a person, who desires to obtain any information under the RTI Act, has to make a request in writing or through electronic means in English or Hindi or in any official language of that area in which the application is being made accompanying such fee as may be prescribed, to the Central Public Information Officer [CPIO] or State Public Information Officer [SPIO], as the case may be, of the concerned public authority, specifying the particulars of the information sought for by him or her. As per Section 6[2], an applicant making the request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him or her.

8. The definition of 'information' has been provided in Section 2[f] of the RTI Act. Section 3 has provided that all citizens shall have the right to information, subject to the provisions of the RTI Act.

9. Section 7 of the RTI Act has provided for the time limit within which the information is to be furnished to an applicant. Section 8 has provided for exemption from disclosure of information. Clause [j] of sub-section [1] of Section 8, which is with a non-obstante clause, has provided that there shall be no obligation to give any citizen information which relates to personal information.

10. It is the case of the petitioners that it is discernible that by the impugned Urgent Notice, the documents the respondent no. 4 has sought for, as outlined

in Annexure-2 thereto, are to be provided to the applicant, who has sought these very information in his application made under Section 6 of the RTI Act. Therefore, before taking any such decision, the petitioner ought to have been heard by the respondent no. 4. As no opportunity has been granted to the petitioners before taking the decision to call for the documents and also to disclose the information pertaining to those documents to the applicant, the decision taken by the respondent no. 4 to disclose the information calls for an interference.

11. Section 11 of the RIT Act pertains to third-party information. The petitioners have claimed their right under Section 11 of the RTI Act. As per sub-section [1] of Section 11, where a CPIO or a SPIO, as the case may be, intends to disclose any information or record, or part thereof on a request made under the RTI Act, which relates to or has been supplied by third-party and has been treated as confidential by the third-party, the CPIO or the SPIO, as the case may be, shall within five days from the request, give a written notice to such third-party of the request and of the fact that the CPIO or the SPIO, as the case may be, intends to disclose the information or record, or the part thereof, and invite the third-party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third-party shall be kept in view while taking a decision about disclosure of information. As per sub-section [2] of Section 11, where a notice is served by CPIO or the SPIO, as the case may be, under sub-section [1] to a third-party in respect of any information or record, or part thereof, the third-party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

12. The CPIO or the SPIO, as the case may be, has the authority and jurisdiction under Section 8[2] to allow access to information, if public interest in disclosure outweighs the harm likely to be caused to the protected interest.

13. It is true that the respondent no. 4 as an employer of the petitioner can ask for the required documents as listed in Annexure-2 thereof. But asking the

employees like the petitioners herein to submit the documents to the employer like the respondent no. 4 herein for his sole official use is quite different from asking the information, some of which are prima facie personal information, by the employer for disclosure to third-party like an applicant under the RTI. If the respondent no. 4 by the impugned Urgent Notice dated 19.09.2025 has intended, like the petitioners have claimed, to obtain the information and the documents listed in Annexure-2 for disclosure to third-party, the respondent no. 4 ought to have given notice to the persons including the petitioners herein, whose personal information he has sought to disclose. It is not known specifically for what purpose the information and the documents listed in Annexure-2 of the Urgent Notice have been sought for.

14. In the above view of the matter, if the information and the documents, pertaining to the petitioners, have been sought for disclosure as 'information' under the RTI Act, the respondent no. 4 ought to have taken recourse to the procedure laid down in Section 11 of the RTI Act. Since the procedure laid down in Section 11 of the RTI Act appear to have not been adhered to, this Court is of the view that the respondent no. 4 must adhere to the procedure laid down in Section 11 of the RTI Act in such situation by putting, at first, the petitioners to notice in terms of the statutory procedure, thereby, providing them the opportunity to make representation against the proposed disclosure. It is made clear that if the respondent no. 4 has not called for the information and the documents under reference for disclosure as 'information' to any applicant under the RTI Act then the above directions will not be applicable.

15. It is made clear that this Court has not gone into the merits of the claim whether or not the information and the documents as listed in Annexure-2 to the Urgent Notice fall in the category of personal information in its entirety, not required to be disclosed. Having regard to the fact situation obtaining the case, this Court is of the considered view that this writ petition can be disposed of directing the respondent no. 2 to strictly adhere to the procedure laid down in Section 11 of the RTI Act and thereafter, to take a decision in terms of Section

8[2] of the RTI Act, in case the purpose behind the Urgent Notice is to disclose of the information under the RTI Act. It is accordingly observed. It is further observed that in such situation without adherence to the procedure laid down in Section 11 and without taking a decision under Section 8[2] by way of a speaking order, the respondent no. 4 shall not proceed further with the Urgent Notice.

16. As the petitioners have approached this Court assailing the Urgent Notice dated 19.09.2025, this Court observes that, to expedite the case, the petitioners shall approach the respondent no. 4 within a period of ten days from today by treating the Urgent Notice as a notice under Section 8[1] to submit their representations within ten days from today showing reasons as to why the proposed disclosure should not be made. If the respondent no. 4 has not sought the information under the Urgent Notice for disclosure under the RTI Act, he shall not act on such representations and shall inform the petitioners accordingly. In such event, the petitioners would abide by the Urgent Notice dated 19.09.2025.

17. With the observations made and the directions given above, the writ petition is disposed of. No cost.

Sd/-

JUDGE

Comparing Assistant