



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.26271 of 2021

The Member Secretary
Teachers Recruitment Board,
3rd floor, Dr.MGR.Centenary Building
DPI Compound, College Road
Chennai – 600 006.

.. petitioner

vs

1.State Information Commissioner
The Tamil Nadu Information Commission
No.19, Government Farm Village,
Nandanam, Chennai – 600 038.

2.M.Shibikumaran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in case No.SA.7633/D/2021 & SA.8654/D/2021 dated 27.10.2021 and quash the same and consequently direct the 1st respondent to grant reasonable time to the petitioner to furnish the remaining information.

For Petitioner : Mr.G.Krishna Kumar



For Respondents : M/s.S.Sowjanya
for Mr.Niranjan Rajagopal for R1.
R2 – Steps due regarding notice.

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ORDER

This writ petition has been filed to call for the records of the 1st respondent in case No.SA.7633/D/2021 & SA.8654/D/2021 dated 27.10.2021 and quash the same and consequently direct the 1st respondent to grant reasonable time to the petitioner to furnish the remaining information.

2. The 2nd respondent seeks certain information under RTI Act before the Public Information Officer, Tamil Nadu Teachers Recruitment Board vide petition dated 01.04.2021. The information sought for was not furnished, hence first appeal was filed before the Appellate Officer/Member Secretary of the Teachers Recruitment Board dated 03.05.2021. Both the Public Information Officer and the Appellate Officer failed to furnish the information sought for by the 2nd respondent, second appeal has been filed before the 1st respondent. In the meanwhile, the first respondent vide order dated 27.08.2021, directed the petitioner to furnish the details to the second respondent. Since, the petitioner failed to comply with the directions of the first respondent, a show cause notice has been issued on 21.09.2021 to the



petitioner and sought for reply. In reply dated 18.10.2021, the petitioner sought for time to furnish the information. The 1st respondent passed the impugned order thereby imposing cost against the petitioner under Section 20(1) of the Right to Information Act and further directed to comply with the same failing which proceedings will be initiated under Section 20(2) of the Right to Information Act.

3. The learned counsel for the petitioner submitted that by an communication dated 18.10.2021, the petitioner had already written a letter to the first respondent/Commission stating that the information sought for by the 2nd respondent is containing the details of total number of 14,943 candidates particulars and the same is not possible for the petitioner to furnish the same to the 2nd respondent. However, seeks two months time from the first respondent, despite the same, they could not trace the same. The above said letter of the petitioner is also mentioned in the reference item No.6 of the impugned order passed by the first respondent vide Na.Ka.No.294/E5/2021 dated 20.11.2021.

4. The learned counsel for the petitioner submits that without considering the reply and request of the petitioner, the first respondent



imposed penalty of Rs.9,500/- on the petitioner for not furnishing the information sought for by the second respondent.

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5. The learned standing counsel for the first respondent/Commission would submit that the SA.No.7663/D/2021 is pertaining to the information a direction was given to the petitioner to furnish the information sought for by the 2nd respondent within a period of one week. Since, the same was not furnished by the petitioner, another SA.No.8654/D/2021 dated 27.10.2021 was filed by the second respondent, in which the information sought for by the second respondent is not furnished by the petitioner. Hence, the first respondent imposed a penalty of Rs.9,500/- on the petitioner.

6. Heard the learned counsel for the petitioner and the learned standing counsel for the first respondent and perused the materials available on record.

7. The petitioner has submitted a written instruction from the Deputy Collector, Teachers Recruitment Board, Chennai vide Oo.Moo.No.294/E3(S1)/2021 dated 20.03.2025 wherein it is stated that the records were not maintained by the department wise, whereas all the



applications are pertaining to the year 2013 and at that time the applications were received directly due to non availability of online applications. The aforesaid applications are not available with the petitioner.

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8. The main contention of the petitioner is that the 2nd respondent sought for certain documents, with regard to the applications of the year 2012, which contains 14,943 applications in total, it is not possible for the petitioner to furnish the same to the second respondent. The second contention is that earlier by a letter dated 18.10.2021, the petitioner had requested the 1st respondent/Commission to grant two months time to furnish the copies of the application to the second respondent. But after elaborate search, now the petitioner stating that the applications sought for by the second respondent is not available in the petitioner's office.

9. In view of the above submissions, it is also practically not possible for the petitioner to furnish such a huge number of 14,943 applications. Hence, the order passed by the first respondent/Commission is liable to be set aside. Accordingly, the same is hereby set aside.



10. The petitioner is hereby directed to send a reply to the first respondent as well as to the second respondent who sought for the information from the petitioner, stating the difficulties as to why the information could not be furnished to him, through a registered post with acknowledgement card, within a period of two weeks from the date of receipt of a copy of this order.

11. With the above observations and directions, this writ petition is disposed of. No costs.

02.04.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
State Information Commissioner
The Tamil Nadu Information Commission
No.19, Government Farm Village,
Nandanam, Chennai – 600 038.



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J. SATHYA NARAYANA PRASAD, J.

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