



W.P.(MD)No.3725 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.3725 of 2025

A.Suriya

Vs.

... Petitioner

1.The Tamil Nadu State Information Commission,
No.378, First Floor,
Kamathenu Co-operative Shop Building,
Anna Salai, Tenampet,
Chennai-600 018.

2.The Superintendent of Police,
Office of Superintendent of Police,
Surveyar Colony,
Alagar Kovil Road,
Madurai.

3.The Deputy Superintendent of Police,
Office of Superintendent of Police,
Alagar Kovil Road,
Madurai.

4.S.Haridas

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order made by the 1st respondent in SA 16374/Visaranai/ E/2023-dated 13.08.2024 and quash the same as illegal and directing the 1st respondent to produce the consolidate certificate of the 4th respondent.



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For Petitioner : Mr.R.Srinivasan
For R1 : Mr.Raguvaran Gopalan
Standing Counsel
For R2 & R3 : Mr.S.Prakash
Government Advocate(Crl.Side)
For R4 : No Appearance

ORDER

The petitioner challenges the order of the 1st respondent in SA 16374/Visaranai/ E/2023, dated 13.08.2024.

2. Heard the learned counsel for the petitioner, learned Standing Counsel for the 1st respondent and the learned Government Advocate for the respondents 2 and 3. The 4th respondent despite notice of service, has not chosen to appear either through counsel or in person.

3. The specific case of the petitioner is that the 4th respondent has obtained compassionate appointment suppressing the material facts and particulars. According to the petitioner, such compassionate appointment has deprived genuine persons who are otherwise entitled for compassionate appointment. Therefore, the petitioner has sought for information under the Right to Information Act. Even according to the petitioner, his application dated



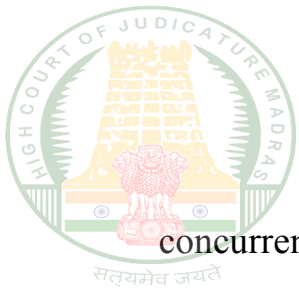
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19.04.2023 was disposed by the 3rd respondent, partly complying with the

request of furnishing of information as originally sought for by the petitioner.

However, the petitioner, aggrieved by the refusal to provide a consolidated certificate, preferred an appeal before the 2nd respondent. The 2nd respondent having not responded within a period of 30 days, the petitioner has preferred the second appeal before the 1st respondent. The 1st respondent however has passed the impugned order refusing to furnish information since the 4th respondent has objected to the furnishing of the information as sought for by the writ petitioner. This order is challenged in this writ petition.

4. The learned counsel for the petitioner would place reliance on the order in appeal No.ICPB/A-9/CIC/2006, dated 03.04.2006, in a case where information was sought for regarding bio-data submitted by four candidates at the time of appointment as Assistant Directors and also copies of their medical reports declaring these 4 candidates as fit / unfit. The public Information Officer declined to furnish information, citing Section 8 (f) of the Right to Information Act stating that it would not serve any public purpose. On appeal, the appellate authority also concurred with the decision of the Public Information Officer and rejected the appeal. However, on second appeal, the Commission found that the information sought for by the appellant was in public interest and set aside the



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concurrent orders of the authorities below and directed the information to be furnished. The learned counsel for the petitioner would also place decision of the Hon'ble Allahabad High Court in ***Surendra Singh Vs. State of U.P & Others*** reported in ***AIR 2009 Allahabad 106***, where the Hon'ble Division Bench of Allahabad High Court held that an information was sought for relating to appointment / educational certificates of Assistant Teachers employed in institution, furnishing such information would not amount to invasion of privacy of any individual and held that the information was not exempted under section 8(3) of Right to Information Act. The learned counsel for the petitioner relying on these judgments, prayed for allowing the writ petition.

5. The learned standing counsel appearing for the 1st respondent would submit that there is no public interest involved in the subject matter of information sought for by petitioner and further the 4th respondent has objected to furnishing of the information and therefore, the 1st respondent was justified in rejecting the petitioner's request for furnishing information citing Section 8 (i) (j). He would therefore prayed for dismissal of the writ petition.

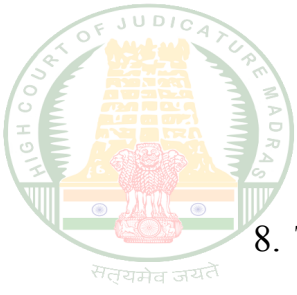
6. I have carefully considered the submission made on either side.



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7. Section 8 deals with exemption from disclosure of information. Section 8 (i)(j) states that information which relates to any personal information would be exempted from disclosure. No doubt, the information sought for by the petitioner pertains to the 4th respondent. However, it is the specific contention of the petitioner that the on the basis of false information submitted to the authorities, the 4th respondent has gained compassionate appointment to the Government, thereby depriving other deserving candidates. Therefore, as held by the Hon'ble Division Bench of the Allahabad High Court, such information cannot be said to be exempted on the ground that it would invade privacy of any individual. In fact, the Central Information Commission in the order dated 03.04.2006 also held that an application for appointment to a post under public authority would become a public document and it cannot be withheld on the ground that the said disclosure would amount to invasion of privacy. The facts of these two cases would squarely fit in the facts of the present case where the petitioner wants to expose the 4th respondent's compassionate appointment as unsubstantiated and illegitimate grounds. In view of the above, the order of the 1st respondent citing Section 8 (i)(j) of the Right to Information Act and the objections of the 4th respondent is not sustainable.



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8. Therefore, the impugned order, dated 13.08.2004 is set aside and the 3rd respondent is directed to furnish the information originally rejected by the 1st respondent within a period of four (4) weeks from the date of receipt of copy of this order.

9. In fine, this Writ Petition is allowed. No costs.

24.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The Tamil Nadu State Information Commission,
No.378, First Floor,
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- 2.The Superintendent of Police,
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P.B.BALAJI, J.

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