



212 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-7373-2023 (O&M)
Date of Decision : 05-08-2025

HARBHAJAN SINGH

.....Petitioner

VERSUS

**PUNJAB STATE INFORMATION COMMISSION THROUGH ITS
SECRETARY AND ORS**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhishek Sharma, Advocate and
 Mr. Vishal Gupta, Advocate
 for the petitioner.

Mr. Rahul Rampal, Addl. A.G., Punjab.

Mr. Rahul Dev Singh, Advocate
For respondent No.3.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the information regarding educational certificate being sought by the respondent No.3 qua the petitioner has been allowed by the Information Commission by the impugned order dated 28.02.2023 (Annexure P-7) which is arbitrary and illegal.

2. Learned counsel for the petitioner argues that the respondent No.3 filed an application seeking information, which is a 3rd party information with regard to the qualification certificate and service book details of the petitioner.

3. Learned counsel for the petitioner submits that the said information is not permissible keeping in view the 3rd party information and rather than declining the same, the Information Commission has directed that the photocopies of the Educational Certificate of the petitioner should be handover to the respondent No.3 before the next date of hearing.

4. Learned counsel appearing on behalf of the respondent No.3 submits that it is to his knowledge that the petitioner does not fulfil the qualification to the post of Sub-Divisional Officer. He submits that the Department has conducted an enquiry wherein approximately 22 officers have been found to be ineligible hence, the grant of information about the qualification of the petitioner has rightly been allowed by the authority concerned.

5. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. The information can only be sought and granted in case, the same is permissible under the Right to Information Act, 2005. In case of the 3rd party information, the same is not permissible to be given under Section 8 of the 2005 Act.

6. The similar question came up for consideration before the Hon'ble Supreme Court of India in Civil Appeal No.22 of 2009 decided on 31.08.2017 titled "***Canara Bank Vs. C.S Shyam and ors.***", wherein also, the information sought of an employee while working with the Bank was personal in nature. The Hon'ble Supreme Court of India held that such information cannot be granted. Relevant paragraph 14 of the said judgment is as under:-

“14. In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

7. Keeping in view the fact that in the present case also, the information of the petitioner is being sought, is a 3rd party information and the said issue is covered by the judgment in ***C.S. Shyam’s case (supra)***.

8. Learned counsel for the respondent No.3 has not been able to rebut the settled principle of law noticed hereinbefore.

9. Keeping in view the above the impugned order dated 28.02.2023 (Annexure P-7) is set aside.

10. Present petition is allowed in the above terms.

11. Pending application, if any, also stands disposed of.

05-08-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO