



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

CWP-13040-2022

Date of decision: 21.08.2025

High Court of Punjab and Haryana, Chandigarh

....Petitioner

Versus

Central Information Commission and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kanwaljit Singh, Senior Advocate, with
Ms. Shubreet Kaur Saron, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Arvind Seth, Senior Panel Counsel,
for respondent No.1.

Mr. Uday Agnihotri, Advocate,
for respondent No.2.

(Through Hybrid Mode)

KULDEEP TIWARI, J. (Oral)

1. Through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, challenge is thrown to the order dated 26.04.2022 (Annexure P-6), passed by the Central Information Commission-respondent No.1.

2. Succinctly put: respondent No.2, under a *bonafide* impression that petitioner is the appropriate authority for the office of the Rajiv Gandhi National University of Law (RGNUL), had filed an application under the Right to Information Act, 2005, (RTI Act), with the Public Information Officer of this High Court, seeking following information:-



“1. Kindly state date on the Enquiry Report was sent/furnished/communicated to Hon’ble Mr. Justice Krishna Murari, for Chancellor, Rajiv Gandhi National University of Law, Punjab.

2. Kindly state date on which the Enquiry Report was sent/furnished/communicated to both parties, i.e. the complainants and the respondents in the aforementioned matter.

3. Kindly provide copy of the Enquiry Report in the aforementioned matter.

Reference is made to following decisions of the Hon’ble Central Information Commission (CIC):

a) B. Premanand vs. Department of Post, Coimbatore (TN), Appeal No.252/ICPB/2006 (Order dated 02.01.2007): CIC holds that in case an enquiry is conducted and a report is prepared, the same has to be furnished (“Annexure III”).

b) Kamlesh Lal v. National Thermal Power Corporation Ltd., Appeal No.122/ICPB/2006 (Order dated 9.10.2006): CIC holds that the denial of the result of enquiry on the complaint would defeat the very purpose of the RTI Act, 2005. Whatever enquiry had been conducted on the basis of the complaints of the appellant, copies of the enquiry report, if action has been completed on such report should be furnished (“Annexure IV”)

4. Kindly state date on which Smt. Manjot Kaur, Enquiry Officer concluded the enquiry in the aforementioned matter.”

3. In response to the application (supra), the PIO of this High Court clarified that the information in question is not held by/under the control of the petitioner. It was also clarified that the enquiry report was submitted before Hon’ble the Chancellor of the University concerned,



and not before Hon'ble the Chief Justice of this High Court. Fetching dissatisfaction from the abovesaid response, respondent No.2 had filed statutory first appeal, under Section 19(1) of the RTI Act, which was dismissed by the Appellate Authority, vide order dated 18.02.2020, with the following observations:-

*“Furthermore, the appellant has submitted that, PIO has not transferred his RTI application to the concerned public authority as per law. To this point, this authority is of view that the queries under consideration prima facie clearly provides that the matter solely relates to the Rajiv Gandhi National University of Law which is a separate public authority an appellant being an advocate presumed to have knowledge of proper authority and when a person has knowledge of proper public authority and still he files an application under RTI Act, 2005 to some other public authority then PIO is not bound to transfer his RTI application and the same has held by Hon'ble Central Information Commission in **“Case No. CIC/SA/A2016/001483 titled as R.S. Gupta Vs. LG Office.”***

Accordingly, it is held that reply given by Ld. PIO on these points is legally tenable, warranting no interference.”

4. Consequently, respondent No.2 approached the learned Central Information Commission by filing statutory second appeal, which was disposed of, vide order dated 26.04.2022 (Annexure P-6), holding that *“there appears to be a direct and live nexus between the administrative functions performed by the staff of the Hon'ble High Court of Punjab and Haryana for the Hon'ble Chief Justice in his official capacity as also in his capacity as the Chancellor of RGNUL.”* However, these observations were made on the basis of the fact that since the PIOs of both the offices, RGNUL and District & Sessions Court, Patiala,



denied possessing the information sought for, therefore, the petitioner-High Court must be seized of the information. Resultantly, a direction was passed upon the petitioner to re-examine the application of respondent No.2, and provide the requisite information.

5. Assailing the validity of the abovesaid order passed by the learned Commission, the instant writ petition has been filed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. To decide the instant *lis*, it is expedient to refer to Section 8 of the Rajiv Gandhi National University of Law Punjab Act, 2006, and the same is extracted hereinafter:-

“8. The Chancellor: (1) The Chief Justice of the High Court of Punjab and Haryana will be the Chancellor of the University and in his absence, the acting Chief Justice of the High Court of Punjab and Haryana shall discharge the functions of the Chancellor.

(2) The Chancellor, in the absence of the Visitor, shall preside over the convocations of the University and meetings of the General Council.

(3) The Chancellor may cause an inspection, to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipments and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.



(4) The Chancellor may offer such advice to the University, as he may deem appropriate with reference to the result of such inspection or inquiry.

(5) The University shall communicate to the Chancellor, the action taken or proposed to be taken on such advice.

(6) In case of differences among the authorities or officers of the University on any matter, which cannot be otherwise resolved, the decision of the Chancellor shall be final.

(7) The Chancellor may invite a person or persons of eminence in law and legal education to advise the University in relation to the affairs of the University as and when he deems it necessary.”

8. A perusal of the abovesaid provision makes it clear that the functions discharged by Hon’ble the Chief Justice in the capacity of Hon’ble the Chancellor of the University concerned, are independent to that of the functions to be performed by Hon’ble the Chief Justice, under Article 216 of the Constitution of India. Further, in view of the statutory scheme, it is evident that the High Court exercises no role in the functioning of the University concerned, which, as demonstrated above, is a separate independent public authority. Therefore, the PIO of the petitioner has rightly rejected the application, thereby, observing that the requisite information is not held by/under his control.

9. At this juncture, it is apt to put on record that there is no direct nexus between the two Institutions, i.e. the High Court and the RGNUL, except that Hon’ble the Chief Justice happens to be the *ex*



officio Chancellor of the University. In such circumstances, the learned Commission erred in observing that there is a nexus between the administrative functions performed by the staff of the two independent Bodies. Therefore, the PIO of this Court, by any stretch of imagination, cannot be asked either to supply the information, which relates to the RGNUL or extract the same therefrom and thereafter, transmit to respondent No.2

10. In view of the abovesaid observations, the impugned order (Annexure P-6), indeed, requires interference, and the same is set aside. Resultantly, the petition stands **allowed**.

11. However, before parting with the judgment, this Court makes it clear that if respondent No.2 still requires any information pertaining to the RGNUL, he shall be at liberty to approach the PIO concerned, under the RTI Act.

(KULDEEP TIWARI)
JUDGE

21.08.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No