

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

103

(I) CWP-23928-2022

Date of Decision : November 13, 2025

RECEIVER, SWAMI UMA BHARTI PUBLIC SCHOOL AND ANR.

-PETITIONERS

V/S

STATE INFORMATION COMMISSION, HARYANA AND ORS.

-RESPONDENTS

(II) CWP-175-2024

RECEIVER, SWAMI UMA BHARTI PUBLIC SCHOOL AND ANR.

-PETITIONERS

V/S

STATE INFORMATION COMMISSION, HARYANA AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Jagdeep Singh Rana, Advocate, with
Mr. Shivam Sachdeva, Advocate, and
Mr. Arvind Bangar, Advocate
for the petitioners (in CWP-23928-2022).

Mr. Akshat Dalal, Advocate
for the petitioners (in CWP-175-2024).

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Sarvjit Singh Khurana, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. Both these writ petitions are amenable to being decided through a common verdict on account of theirs inhering common issues for adjudication. For the sake of brevity and convenience, the facts are being extracted from CWP-23928-2022.

2. The prayer made in this writ petition is for setting aside the orders dated 09.08.2022 and 23.11.2021, passed respectively by the State Information Commission, Haryana, and the Appellate Authority-cum-Deputy Commissioner, Rewari, directing the petitioner No.1 to furnish the requisite information under the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”).

3. In essence, respondent No.3 submitted an application dated 21.09.2021 seeking certain information under the RTI Act, which was not provided. Consequently, he preferred a first appeal before the Deputy Commissioner, Rewari, who, vide order dated 23.11.2021, allowed the appeal and directed the Assistant State Public Information Officer-cum-Naib Tehsildar (Revenue), Rewari (petitioner No.1), to supply the requisite information, free of cost, within seven days from receipt of the order. Although partial information was furnished, petitioner No.1, being dissatisfied, moved an application seeking to set aside the *ex parte* order dated 23.11.2021, which, however, was not considered. Aggrieved by non-supply of complete information, respondent No. 3 preferred a second appeal before the State Information Commission, Haryana, which, by order dated 09.08.2022, directed petitioner No. 1 to furnish the available and admissible information sought under the RTI application. The Commission further directed that respondent No. 3, if he wants, be afforded an opportunity to inspect the records and that, in case any information was exempt from disclosure under the RTI Act, a speaking order be passed within 20 days.

4. Assailing the impugned orders, learned counsel for the petitioners contends that the petitioner-school is a non-governmental organization not receiving any financial assistance from the appropriate government. The mere

appointment of a receiver due to internal disputes between two factions does not render the petitioner-school a “public authority” within the meaning of Section 2(h) of the RTI Act. It is further submitted that the State Information Commission ought to have first determined whether the petitioner-school falls within the ambit of “public authority” before issuing the impugned directions.

5. Learned counsel for respondent No.3, while contesting the matter on merits, submits that since the petitioner-school is under the control of a public officer, it constitutes a public authority within the meaning of the RTI Act. However, he fairly concedes that the State Information Commission did not examine this issue, warranting the interference of this Court.

6. Considering the above facts and the consensus between the parties that the question as to whether the petitioner-school falls within the definition of “public authority” under Section 2(h) of the RTI Act ought to have been decided at the first instance by the State Information Commission, this Court **sets aside the order dated 09.08.2022** passed by the State Information Commission and **remands the matter** to it for fresh adjudication. Both parties are directed to appear before the State Information Commission on 27.11.2025.

7. **Disposed of accordingly.**

8. A photocopy of this order be placed on file of connected case.

November 13, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No