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AMIT PATEL

CGHC010317232021 2026:CGHC:43407

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4828 of 2021

1 - Ashutosh Patre S/o Shri Shyam Sunder Patre Aged About 30 Years Presently Working As Rural Agriculture Extension Officer (Raeo) , In The Officer Of Senior Ado, Takhatpur , Block Takhatpur , District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2 - Sarvesh Kumar Bramhan S/o Shri M.P. Tiwari Aged About 28 Years Presently Working As Rural Agriculture Extension Officer (Raeo) , In The Officer Of Senior Ado, Takhatpur , Block Takhatpur , District Bilaspur Chhattisgarh.

3 - Jitendra Kumar Sahu S/o Shri Pekhram Sahu Aged About 31 Years Presently Working As Rural Agriculture Extension Officer (Raeo) , In The Officer Of Senior Ado, Takhatpur , Block Takhatpur , District Bilaspur Chhattisgarh.

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary , Department Of General Administration (Right To Information Cell) Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Director Agriculture Directorate Agriculture, Second Floor, Indravati Bhawan, Atal Nagar, Raipur , District Raipur Chhattisgarh.

3 - First Appellate Authority / Office Of The Divisional Joint Director Agriculture (Jda) , Bilaspur Division, District Bilaspur Chhattisgarh.

4 - The Public Information Officer Office Of The Sub Divisional Officer , Agriculture, Bilaspur, District Bilaspur Chhattisgarh.

5 - Deputy Director Agriculture Bilaspur , District Bilaspur Chhattisgarh.

6 - Shri S. Sahu S/o Smt. Sani Bai Sahu R/o Village Parsada , Post Bharni, Bilaspur , District Bilaspur Chhattisgarh.

--- **Respondent(s)**

WPC No. 5362 of 2021

1 - Rohit Kumar Patel S/o Shri Laxminarayan Patel Aged About 33 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Bamhnidih, Block Bamhnidih, District Janjgir Champa Chhattisgarh

2 - Shiv Kumar S/o Shri Devraj Aged About 30 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Pamgarh, Block Pamgarh, District Janjgir Champa Chhattisgarh

3 - Deepak Rajput S/o Shri Ashok Kumar Rajput Aged About 29 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Baloda, Block Baloda, District Janjgir Champa Chhattisgarh

4 - Hem Sagar Patel S/o Shri Chhir Sagar Aged About 33 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Dabhara, Block Dabhara, District Janjgir Champa Chhattisgarh

5 - Shantanu Singh S/o Rajshekhar Singh Aged About 33 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Bamhnidih, Block Bamhnidih, District Janjgir Champa Chhattisgarh

6 - Bhushan Prasad Pandey S/o Shri Bhimsen Pandey Aged About 33 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Bamhnidih, Block Bamhnidih, District Janjgir Champa Chhattisgarh

7 - Somesh Singh S/o Shri Ujjain Singh Aged About 32 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Jaijaipur, Block Jaijaipur, District Janjgir Champa Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of General Administration (Right To Information Cell), Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur District Raipur Chhattisgarh

2 - Director Agriculture Directorate Of Agriculture, Indravati Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh

3 - First Appellate Authority /office Of The Joint Director, Agriculture (Jda) Bilaspur Division, District Bilaspur Chhattisgarh

4 - The Public Information Officer, Office Of The Sub Divisional Officer (Sdo), Agriculture, Bilaspur, District Bilaspur Chhattisgarh

5 - The Sub Divisional Officer (Sdo), Agriculture, Janjgir District Janjgir-Champa Chhattisgarh

6 - The Sub Divisonal Officer (Sdo) Agriculture, Sakti, District Janjgir Champa Chhattisgarh

7 - The Sub Divisional Officer (Sdo) Agriculture, Pamgarh, District Janjgir Champa Chhattisgarh

8 - Deputy Director Agriculture Janjgir, District Janjgir Champa Chhattisgarh

9 - Shri S. Sahu S/o Smt. Sani Bai Sahu R/o Village Parsada, Post Bharni, Bilaspur, District Bilaspur Chhattisgarh

--- **Respondent(s)**

WPC No. 5378 of 2021

1 - Amit Kumar Lahre S/o Shri Ant Ram Lahre Aged About 31 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Sakti, B Lock Sakti, District Janjgir Champa Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of General Administrative (Right To Information Cell), Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.

2 - Director Agriculture, Directorate Of Agriculture, Indravati Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.

3 - First Applellate Authority/officer Of The Joint Director, Agriculture (Jda) Bilaspur Division, District Bilaspur Chhattisgarh.

4 - The Public Information Officer, Officer Of The Sub Divisional Officer (Sdo), Agriculture, Bilaspur, District Bilaspur, Chhattisgarh.

5 - The Sub Divisional Officer (Sdo), Agriculture, Sakti, District Janjgir Champa Chhattisgarh.

6 - Deputy Diretctor Agriculture, Janjgir, District Janjgir Champa Chhattisgarh.

7 - Shri S. Sahu S/o Smt. Sani Bai Sahu R/o Village Parsada, Post Bharni, Bilaspur, District Bilaspur, Chhattisgarh.

--- **Respondent(s)**

WPC No. 5379 of 2021

1 - Surendra Kumar Kashyap S/o Shri Jivrakhan Lal Kashyap Aged About 37 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Lormi, Block Lormi, District Mungeli Chhattisgarh.

2 - Gulab Singh Rajput S/o Shri Ramsevak Rajput Aged About 28 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado Lormi, Block Lormi District Mungeli Chhattisgarh.

3 - Nilesh Kumar S/o Shri Revaram Aged About 27 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado, Pathariya, Block Pathariya, District Mungeli Chhattisgarh.

4 - Ku. Prabha Bhaskar D/o Shri Bhandari Lal Bhaskar Aged About 32 Years Working As Rural Agriculture Extension Officer (Raeo), In The

Officer Of Senior Ado, Lormi, Block Lormi, District Mungeli Chhattisgarh.

5 - Vijendra Kumar Nargave S/o Shri Kulendra Ram Nargave Aged About 33 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Ado, Pathariya, Block Pathariya, District Mungeli Chhattisgarh.

6 - Mukesh Lahre S/o Shri Vyas Chandra Lahre Aged About 32 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Adeo, Pathariya, Block Pathariya, District Mungeli Chhattisgarh.

7 - Amit Raj Rathore S/o Shri Hetram Rathore Aged About 30 Years Working As Rural Agriculture Extension Officer (Raeo), In The Officer Of Senior Adeo, Pathariya, Block Pathariya, District Mungeli Chhattisgarh.

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of General Administrative (Right To Information Cell), Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.

2 - Director Agriculture, Directorate Of Agriculture, Indravati Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.

3 - First Appellate Authority / Office Of The Joint Director Agriculture, (Jda) Bilaspur Division, District Bilaspur Chhattisgarh.

4 - The Public Information Officer Office Of The Sub Divisional Officer (Sdo), Agriculture, Bilaspur, District Bilaspur Chhattisgarh.

5 - The Sub Divisional Officer (Sdo) Agriculture, Mungeli, District Mungeli Chhattisgarh.

6 - Deputy Director Agriculture Mungeli, District Mungeli Chhattisgarh.

7 - Shri S. Sahu S/o Smt. Sani Bai Sahu R/o Village Parsada, Post Bharni, Bilaspur District Bilaspur Chhattisgarh.

--- **Respondent**

(Cause title is downloaded from CIS Periphery.)

For Respective Petitioners	:	Mr. Vivek Kumar Agrawal and Mr. Jeet Ram Patel, Advocates
For State	:	Mr. Sangharsh Pandey, G.A.
For Respective Respondents	:	Mr. Ujjawal Agrawal, Advocate on behalf of Mr. Siddharth Pandey, Advocate & Ms. Nishta Singh, Advocate

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07.10.2026

1. All these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together and are disposed of by this common order.

2. For the sake of convenience, Writ Petition (C) No.4828 of 2021 is treated as the lead case for the purpose of disposing all the writ petitions. The petitioners in the said writ petition have prayed for the following reliefs :-

> *10.1 That, this Hon'ble Court may kindly be pleased to quash and set-aside the impugned order dated 08.11.2021 (Annexure P-1) issued by the respondent no.3/First Appellate Authority under the RTI Act 2005, in the interest of justice.*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to declare that the certificates relating to disability, educational qualification, and residence certificate of the petitioners are private information in nature and without taking consent under section*

11 (1) of RTI Act, such information cannot be granted to the unknown person therefore, barred under section 8 (1) (j) of RTI Act.

10.3. That, this Hon'ble court may kindly be pleased to grant cost of the proceeding along with fine/compensation as prescribed under the right to information act.

10.4. Any other relief/relief's, which this Hon'ble Court may think fit and proper in the facts and circumstances of the case, with cost of the petition, may also please be granted to the petitioner."

3. Learned counsel appearing for the respective petitioners submits that, by way of the instant writ petitions, the petitioners are assailing the legality and validity of the impugned order dated 08.11.2021 (Annexure P/1), passed by the Respondent No. 3/First Appellate Authority under the Right to Information Act, 2005 (hereinafter referred to as "the RTI Act"), whereby the first appeal preferred by the applicant, namely, S. Sahu, who is Respondent No. 6 in W.P.(C) No. 4828 of 2021 and Respondent No. 7 in W.P.(C) Nos. 5378 of 2021, 5379 of 2021 and 5362 of 2021, has been allowed and the Respondent No. 4/Public Information Officer has been directed to furnish the requisite information to the said applicant. It is submitted that the applicant/respondent had initially moved an application under

Section 6 of the RTI Act, 2005, seeking certain information and documents pertaining to the petitioners, particularly copies/details of their disability certificates, educational qualification certificates and residence certificates. Upon receipt of the said application, the Respondent No. 4/Public Information Officer, having regard to the nature of the information sought, issued notices to the petitioners under Section 11(1) of the RTI Act, 2005, calling upon them to indicate whether they had any objection to disclosure of the information/documents sought by the applicant. The petitioners specifically objected to the disclosure of their personal information and documents to an unknown person and declined to give their consent for such disclosure. In view of the objections raised by the petitioners and having regard to the nature of the information sought, the Public Information Officer rejected the RTI application vide order dated 14.09.2021. Aggrieved by the said decision, the applicant/respondent preferred a first appeal before the First Appellate Authority under Section 19(1) of the RTI Act, 2005. The First Appellate Authority, however, vide the impugned order dated 08.11.2021, allowed the appeal and directed the Public Information Officer to furnish the information sought. While doing so, the First Appellate Authority observed that only medical and character certificates would fall within the ambit of private information under Section 8 of the RTI Act, whereas the certificates and documents submitted by an employee at the time of appointment to a government post would constitute public

documents and, therefore, could be furnished under the RTI Act without obtaining the consent of the concerned employee.

4. Learned counsel for the petitioners further submits that the aforesaid finding recorded by the First Appellate Authority is wholly erroneous, contrary to the statutory scheme of the RTI Act and unsustainable in law. It is submitted that the information sought by the applicant relates to the personal and private affairs of the petitioners, including their disability status, educational qualifications and residential particulars and such information cannot be disclosed mechanically merely on the ground that the petitioners are government employees or that the documents were submitted at the time of their appointment. It is further submitted that Section 8(1)(j) of the RTI Act specifically exempts from disclosure information which relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of an individual, unless the Public Information Officer or the appellate authority is satisfied that the larger public interest justifies disclosure of such information. Learned counsel further submits that Section 11(1) of the RTI Act prescribes the procedure for disclosure of information relating to or supplied by a third party and requires the Public Information Officer, before disclosing such information, to give written notice to the concerned third party and consider its objections to disclosure. It is contended that the statutory protection available to personal

information cannot be defeated merely by treating the documents submitted by an employee in the course of his appointment as “public documents”. The nature of the information and the statutory exemption under Section 8(1)(j) are required to be considered independently, particularly when the information concerns the personal affairs of an individual. Learned counsel also places reliance upon the judgment of the Hon’ble Supreme Court dated 08.06.2017 passed in Special Leave Petition (Civil) No. 27734 of 2012, wherein the Hon’ble Supreme Court considered the issue of disclosure of personal information of employees under the RTI Act and emphasized that such information cannot ordinarily be disclosed unless a larger public interest warrants its disclosure. It is further submitted that, pursuant to the aforesaid judgment of the Hon’ble Supreme Court, the State Government issued a circular dated 27.07.2017 to all concerned departments, along with a translated copy of the judgment, directing compliance with the principles laid down therein regarding disclosure of personal information under the RTI Act. According to learned counsel, the First Appellate Authority has failed to consider the aforesaid statutory provisions, the objections raised by the petitioners under Section 11(1) of the RTI Act, the protection available under Section 8(1)(j), as well as the law laid down by the Hon’ble Supreme Court. The First Appellate Authority has also failed to record any finding that disclosure of the information sought was warranted in any larger

public interest. It is, therefore, submitted that the impugned order dated 08.11.2021 (Annexure P/1) suffers from serious errors of law and jurisdiction and is contrary to the provisions of the RTI Act, 2005 as well as the binding precedents of the Hon'ble Supreme Court. Therefore, the impugned order dated 14.09.2021, deserves to be set aside.

5. Learned counsel appearing for the respective respondents submits that the instant writ petitions are devoid of substance and merit and are liable to be dismissed. It is contended that the petitioners have approached this Court directly, without availing the efficacious alternative statutory remedy available to them under the Act, 2005. Learned counsel further submit that the order dated 08.11.2021 passed by Respondent No. 3/First Appellate Authority under Section 19(1) of the Act, 2005 is amenable to challenge by way of a second appeal under Section 19(3) of the Act, 2005 before the State Information Commission. It is, therefore, submitted that the petitioners ought to have exhausted the statutory remedy available under the Act, 2005 instead of directly invoking the writ jurisdiction of this Court. Learned counsel further submit that the order dated 08.11.2021 passed by Respondent No. 3/First Appellate Authority is under challenge in the present writ petitions and that by order dated 29.11.2021 and 21.12.2021 respectively, this Court had granted interim protection in favour of the petitioners by staying the effect and operation of the said order till the next date of hearing. It is

submitted that, despite the availability of the statutory remedy of second appeal and despite the pendency of the present writ petitions, the petitioners have continued to pursue the writ proceedings without availing the remedy provided under Section 19(3) of the Act, 2005.

6. Having heard learned counsel appearing for the respective parties and having perused the material available on record, this Court is of the considered view that the present writ petitions are liable to be dismissed, at the outset, only on the count that the petitioners have not availed the alternative remedy available under the Act of 2005 and were required to file a second appeal before the State Information Commission. However, instead of availing the alternative remedy available under the law, the petitioners have directly approached this Court by filing the present writ petitions, without disclosing the fact regarding availability of such alternative statutory remedy. It is further evident from the record that the petitioners, in their respective petitions, have made an incorrect declaration on affidavit that they have no alternative remedy available under the law and such declaration cannot be accepted, particularly when the Act of 2005 itself provides for a remedy of second appeal before the State Information Commission. The aforesaid conduct of the petitioners, in the considered opinion of this Court, appears to be an attempt to mislead the Court and to obtain orders of stay, which were, in fact, granted vide orders dated 29.11.2021 and

21.12.2021, respectively. This Court further finds that even after getting the reply of respondent No. 6, which was filed way back on 17.06.2022, the petitioners have not taken note of the same and have not filed any appeal by withdrawing these petitions or otherwise availing the statutory remedy available to them under the Act of 2005. Thus, the conduct of the petitioners, viewed in its entirety, shows that despite the availability of an alternative statutory remedy, the petitioners have directly approached this Court and have also made an incorrect declaration on affidavit regarding non-availability of such remedy. The fact that the petitioners continued to pursue these petitions even after the reply of respondent No. 6 was filed on 17.06.2022, without taking steps to avail the statutory remedy, cannot be lost sight of by this Court. In the facts and circumstances of the present case, it seems that the petitioners are in continuous efforts to mislead the Court in any manner, which cannot be accepted. Such conduct of the petitioners does not persuade this Court to exercise its extraordinary writ jurisdiction in their favour.

7. Accordingly, in view of the above, all the writ petitions are liable to be dismissed, and it is accordingly **dismissed.**

SD/-
(**Amitendra Kishore Prasad**)
Judge

AMIT PATEL