



W.P. No.11820/2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P. NO.11820 OF 2021
AND
W.M.P. NO.12562 OF 2021**

The Chairman
Teacher Recruitment Board
Dr. M.G.R. Centenary Building
DPI Campus, Chennai – 06.

.. Petitioner

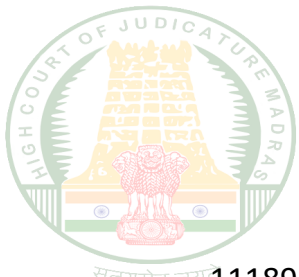
- Vs -

1. The State Information Commissioner
No.2, Thiyagarayar Salai
Teynampet, Chennai 600 018.

2. V.Gowthaman
3. V.Lakshmikanthan
4. P.Damodharan
5. Ashok Kumar
6. J.simyon

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records relating to the impugned order dated 25.03.2021 made in Case No.SA 4235/D/2020 NC925/D/2019, (SA 3817/D/2017), NC231/D/2021 (SA 10359/D/2020), SA



W.P. No.11820/2021

WEB COPY

11189/D/2019, SA 3467/D/2020 and SA 2729/D/2021 of the 1st respondent

Commission and quash the same.

For Petitioner : Mr. T.Gowthaman, AAG
Assisted by Mr.C.Kathiravan,
Std. Counsel

For Respondents : Mr. N.Subramaniyan for R-4
Mr. V.Stalin for R-2
Mr. C.Vigneswaran for R-1
Mr. M.Sathish Kumar for R-6
No Appearance for RR-3 & 5

ORDER

The impugned order in and by which direction has been issued by the 1st respondent appointing the Chairman, Teachers Recruitment Board as the Public Information and also the further direction in and by which adverse remarks were directed to be entered in the service register of the concerned Teachers/Professors so as to disable them participating in the process of setting question papers and also for taking disciplinary action against them has been questioned before this Court through this writ petition by assailing the said order as one without jurisdiction and authority.

2. The brief facts which are necessary for the disposal of this writ petition could be summarised as under :-

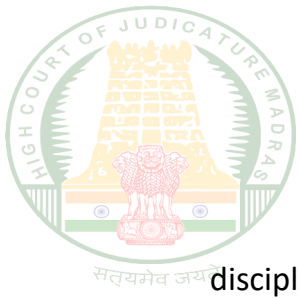


W.P. No.11820/2021

WEB COPY

Consequent upon the conduct of Teachers Eligibility Test during the period 2018-2019 for the post of Post Graduate Assistants in various disciplines, applications under the Right to Information Act (for short 'the Act') was filed by various persons, including respondents 2 to 6 seeking certain information with regard to the answer keys and providing of the copies of the books which contains the answer keys. While certain information which were sought for, were provided, however certain information was not provided by the authorities/Public Information Officer, which led to filing of appeals before the appellate authority, viz., the State Information Commissioner by respondents 2 to 6.

3. Before the State Information Commissioner, viz., the 1st respondent, it was submitted on behalf of the respective Public Information Officers that certain materials could not be furnished as the matter was *sub judice* before this Court. After hearing the parties, while the 1st respondent passed orders directing to provide the information as sought for by respondents 2 to 6, not stopping there, the 1st respondent had further directed that adverse remarks be entered in the service register of the concerned Teachers/Professors so as to disable them participating in the process of setting question papers and also for taking



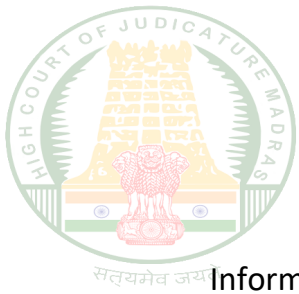
W.P. No.11820/2021

WEB COPY

disciplinary action against the concerned officers by making necessary remarks in their annual confidential reports and also to take necessary disciplinary action for compulsorily retiring the said authorities. Aggrieved by the said directions, the present writ petition has been filed.

4. Learned Addl. Advocate General appearing for the petitioner submits that the impugned order passed by the 1st respondents is beyond the jurisdiction of the 1st respondent. It is the submission of the learned counsel for the petitioner that Section 5 (1) of the Act provides the manner in which the Public Information Officer is to be appointed. However, without appreciating the aforesaid provision, under the provision of appellate remedy made available u/s 19, by invoking the power erroneously, the 1st respondent has directed to appoint the Chairman as the Public Information Officer with regard to the cases referred by the Tamil Nadu State Information commission u/s 19 (8)(a)(ii) of the Act.

5. It is the submission of the learned Addl. Advocate General that only where no Public Information Officer is appointed or where the public authority has not taken proper steps to secure the compliance with the provisions of the Act, the 1st respondent, invoking its power, could appoint a Central Public



W.P. No.11820/2021

WEB COPY

Information Officer or State Public Information Officer as the case may be.

However, it is not the case of the 1st respondent or that of the other respondents that no Public Information Officers have been appointed. Further, respondents 2 to 6 have been provided with reply by the Public Information Officers appointed under the Act and the appeal remedy before the 1st respondent is only to the limited extent of finding out whether the information sought for has been provided or that the order passed for non providing of the information sought for is proper. When respondents 2 to 6 have been provided reply to their RTI queries, invocation of the power u/s 19 (8)(a(ii) of the Act is grossly erroneous.

6. It is the further submission of the learned Addl. Advocate General that the 1st respondent has to traverse only within the boundaries prescribed by the Act and it can neither act as an expert body nor as a grievance redressal forum in matters relating to academic issues. Even if the questions are wrongly framed or the answer keys are erroneous, it is for the petitioner to look into the issue and correct it and the 1st respondent cannot issue sweeping directions for taking action against the persons, who had framed the question papers and answer keys when there is no allegation of mala fides attributed to the said individuals.



W.P. No.11820/2021

WEB COPY

7. It is the further submission of the learned Addl. Advocate General that Section 20 of the Act provides for penalties, which could be imposed by the 1st respondent on the Public Information Officers, be it Central or State for acts, which are done by them which stood proved that they have abdicated their responsibility and acted in a manner detriment to the complainant and even in such cases, before imposing any penalties, an opportunity of hearing has to be provided to the said persons. However, in the present case, no opportunity was provided to the Public Information Officers, but sweeping directions directly imputing allegations of dereliction of work has been mulcted on the employees/officers, which is totally uncalled for and against the provisions of the Act.

8. It is the further submission of the learned Addl. Advocate General that what all the information that could be provided to respondents 2 to 6 have been provided by the Public Information Officers, however, without appreciating the same, the 1st respondent has directed furnishing of the information by enclosing the RTI application of respondents 2 to 6 which is against the observations of the Apex Court in ***Central Board of Secondary Education & anr. – Vs – Aditya Bandopadhyay & Ors. (2011 (8) SCC 497)***, wherein the Apex Court has held that



W.P. No.11820/2021

WEB COPY

Indiscriminate and impractical demands or directions under the Act for disclosure of information would be counter-productive and would adversely affect the efficiency of administration.

9. It is the further submission of the learned Addl. Advocate General that the 1st respondent has passed the impugned order simply accepting the views expressed by respondents 2 to 6 without giving any opportunity to the petitioner, which is in stark violation of principles of natural justice and further the order of the 1st respondent directing taking of action against the said persons, without hearing them, that too, harsh penal actions, which is not within the domain of the 1st respondent.

10. It is the further submission of the learned Addl. Advocate General that disciplinary action is recommended against the persons, who have set the question paper, which is not within the jurisdiction of the 1st respondent. It is further submitted that if such an action is recommended against teachers/professors, it will jeopardize the recruitment process as no teacher/professor would come forward to render their service in setting the question paper.



W.P. No.11820/2021

WEB COPY

11. In fine, it is the submission of the learned Addl. Advocate General that the action of the 1st respondent in passing the impugned order is without jurisdiction and moreso in excess of its jurisdiction and the same requires interference at the hands of this Court.

12. Per contra, learned counsel appearing for the 1st respondent submitted that Section 19 (8)(a)(ii) confers power on the 1st respondent to appoint Public Information Officers and in the process of hearing the appeal, if the 1st respondent feels that in the said case, Public Information Officer is required to be appointed for providing the said information, the 1st respondent could make such an appointment for the particular case alone and only in that backdrop, the 1st respondent had appointed the Chairman as the Public Information Officer and the same is within the powers conferred under the Act.

13. It is the further submission of the learned counsel that insofar as the direction with regard to recording of adverse remarks in the service records of the Teachers/Professors, it is the submission of the learned counsel that it is the duty of the teachers/professors to prepare the question paper/key with utmost



W.P. No.11820/2021

WEB COPY

caution and sincerity and that they must be held accountable for any wrong doing so that such acts are not repeated and that such remark is to be made only after the question/key is declared wrong by the Court or any competent authority. If no action is taken against such erring authority, the same will jeopardize the future of many persons, aspiring for jobs, moreso, as teachers. It is further submitted that the said direction is within the scope and jurisdiction of the 1st respondent as power is provided u/s 25 (5) of the Act to make such recommendations. Therefore, it is submitted that no interference is warranted with the directions issued by the 1st respondent and this writ petition may be dismissed.

14. Learned counsel appearing for respondents 2 and 4 concurred with the submissions advanced on behalf of the 1st respondent and submitted that the order passed by the 1st respondent is a well reasoned order in considerations of the relevant provisions of the Act and, therefore, the same does not require any interference at the hands of this Court and, accordingly, prayed for dismissal of the writ petition.



WEB COPY

15. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record and the relevant provisions of law to which this court's attention was drawn on behalf of the parties.

16. The first grievance espoused on behalf of the petitioner is with regard to designating the Chairman of the petitioner as the Public Information Officer, though it is the case of the 1st respondent that it is only case specific and not an affront on the powers of the authority to designate any officer of its choice as Public Information Officer.

17. In this regard, Section 5 of the Act relates to designation of Public Information Officers. Sub-sections (1) and (2) thereof relates to designation of Public Information Officers, which provides as under :-

"5. Designation of Public Information Officers :-

(1) Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as the Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act.



WEB COPY



W.P. No.11820/2021

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

18. The above provision clearly stipulates that it is within the domain of the said public authority to designate as many officers as Public Information Officers in all administrative units or offices within a period of one hundred days of the enactment of the Act. There is no quarrel with the fact that the petitioner had designated the appropriate authorities as Public Information Officers for dealing with the applications filed under the RTI Act and further the said authorities have also given necessary information, which they have felt are permitted under the Act.



WEB COPY

19. However, the 1st respondent, it is seen, has invoked its powers u/s 19 (8)(a)(ii) of the Act and had appointed the Chairman of the 1st respondent as the Public Information Officer, which is assailed by the petitioner as erroneous as it is only in case where no Public Information Officer has been designated, such designation could be made by the 1st respondent. To appreciate the above, it is necessary to advert to Section 19 of the Act, which relates to the appeal provision of which sub-section (8)(a) is as under :-

“19. Appeal :-

* * * * *

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;



WEB COPY

(v) by enhancing the provision of training on the right to information for its officials;

(vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;

(c) impose any of the penalties provided under this Act;

(d) reject the application.

* * * * *

20. A perusal of sub-section (8)(a) clearly reveals that the Central Information Commission or the State Information Commission, as the case may be, has power to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, which would include appointing a Public Information Officer. There could be no quarrel with the fact that the said provision provides the 1st respondent power to appoint a Public Information Officer, but it could be exercised by the Commission only when no Public Information Officer has been appointed as prescribed u/s 5. If already a Public Information Officer has been designated under Section 5, there would arise no necessity for the Commission to appoint a Public Information Officer.



W.P. No.11820/2021

WEB COPY

21. Further, it is to be noted that even if on a broader conspectus, a Public Information Officer, as contended by the 1st respondent, could be appointed for a specific case, it is to be noted that only when there is no compliance of the directions issued by the Commission, the Commission could resort to exercising its power to appoint a Public Information Officer to secure compliance with the provisions of the Act and not otherwise. In the present case, already the petitioner has designated Public Information Officers, who are discharging their duties and only upon such discharge appeals have been filed before the 1st respondent. Such being the case, there being no finding by the 1st respondent that its directions have not been complied with by the Public Information Officers, the exercise of powers by the 1st respondent to appoint the Chairman of the petitioner as Public Information Officer, even for the instant case, by invoking Section 19 (8)(a)(ii) is totally arbitrary, unreasonable and unsustainable and it goes against the spirit of the Act and such usurpation of power, in the absence of any conclusive materials, which flow from the provisions u/s 19 (8)(a)(ii) cannot be permitted, as it will lead to erosion of public faith not only in the said authorities, but also in the Act itself. Therefore, the direction of the 1st respondent appointing the Chairman of the petitioner as the Public Information Officer deserves to be set aside.



WEB COPY

22. Coming to the next issue with regard to the direction of the 1st respondent directing making of adverse entries in the service register and also for taking disciplinary action against the erstwhile head of the petitioner and for compulsorily retiring them from service is concerned, the power for imposition of penalties flows from Section 20 of the Act, which deals with penalties and for better appreciation, the said provision is quoted hereunder:-

***“20. Penalties :-** (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be



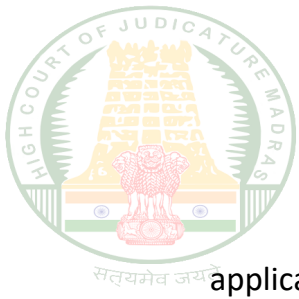
given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him."

(Emphasis Supplied)

23. Sub-section (2) of Section 20 vests power with the Commission to recommend for disciplinary action against the Public Information Officers in case, without reasonable cause or otherwise has persistently failed to receive an



W.P. No.11820/2021

WEB COPY

application for information or has not furnished information within the time specified u/s (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information, which was the subject of request or obstructed in any manner in furnishing the information. Only for such acts, the Commission could recommend for disciplinary action.

24. In the present case, as transpires from the impugned order, it is not the finding of the 1st respondent or even the case of respondents 2 to 6 that the Public Information Officers of the petitioner had without reasonable cause or otherwise has persistently failed to receive an application for information or has not furnished information within the time specified u/s (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information, which was the subject of request or obstructed in any manner in furnishing the information.

25. The appeal has been filed by respondents 2 to 6 on the ground that certain information, which were sought for, were not provided for the reasons spelt out in the appeal. Even in the impugned order, it is not the finding of the 1st



WEB COPY

respondent that any of the ingredients as set out u/s (2) of Section 20 have been the cause of the appeal necessitating imposition of penalty in the form of recommendation for initiation of disciplinary proceedings. The necessity, in the view of the 1st respondent, for recommending disciplinary proceedings and for making necessary adverse remarks in the service register of the individuals is that the questions and the answer keys for the examination conducted by the petitioner are erroneous and this error had caused grave prejudice to respondents 2 to 6, who had competed in the examination in addition to the other applicants.

26. It is to be pointed out that no mala fide has been attributed in the preparation of the questions and the answer keys. Furthermore, the erroneous answers given in the answer key has been set right on the application filed through certain writ petitions and nowhere in the said orders, this Court had castigated the persons, who had prepared the question papers and had directed taking disciplinary action against the said persons. Such being the case, in the absence of any mala fide, mere erroneous questions and answer keys cannot form the basis for initiation of disciplinary proceedings and also making adverse entries in the service register of the said individuals.



WEB COPY

27. What is more shocking is the fact that while recommending the initiation of disciplinary proceedings, the 1st respondent has further gone on to suggest that steps should be taken by the Government to not only initiate disciplinary proceedings against the said individuals, but it should end in compulsorily retiring such of those persons and to this end, the 1st respondent, in the course of their argument has taken recourse to Section 25 (5) of the Act, which is as under :-

"25. Monitoring and Reporting :-

* * * * *

(5) If it appears to the Central Information Commission or State Information Commission, as the case may be, that the practice of a public authority in relation to the exercise of its functions under this Act does not conform with the provisions or spirit of this Act, it may give to the authority a recommendation specifying the steps which ought in its opinion to be taken for promoting such conformity.

28. The reliance placed on Section 25 (5) of the Act for issuing the aforesaid direction is too fallacious. Sub-section (5) only provides that where the exercise of functions by the public authority does not conform to the provisions or spirit of the Act, the Commission may specify the steps which is to be taken,



W.P. No.11820/2021

WEB COPY

which would confirm to the provisions and spirit of the Act. However, in the present case, the rigours of Section 20 (2) does not stand attracted nor is made out by respondents 2 to 6 and such being the case, the exercise of power u/s 25 (5) is wholly unreasonable and arbitrary and it is nothing but a misreading of the provisions of the Act. Action could be taken by the Commission only if there is violation of the provisions with a mala fide intent and not otherwise. However, in the present case, no mala fide intent has been attributed nor culled out from the act of the authorities under the petitioner. Such being the case, the directions given by the 1st respondent to take action against the persons by making adverse entries in the service registers and also initiation of disciplinary proceedings to see that those persons are compulsorily retired is beyond the power of the Commission and the said act cannot be sustained.

29. Before passing the order learned Addl. Advocate General fairly submitted that the information sought for by the respective respondents will be furnished within the time frame stipulated by this Court. The said statement is recorded.



W.P. No.11820/2021

WEB COPY

30. For the reasons aforesaid, the impugned order passed by the 1st respondent is set aside and this writ petition is allowed. The petitioner is directed to provide the information sought for by respondents 2 to 6 within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

02.06.2026

Index : Yes / No

GLN

To

1. The Chairman
Teacher Recruitment Board
Dr. M.G.R. Centenary Building
DPI Campus, Chennai – 06.
2. The State Information Commissioner
No.2, Thiyagarayar Salai
Teynampet, Chennai 600 018.



WEB COPY



W.P. No.11820/2021

M.DHANDAPANI, J.

GLN

W.P. NO.11820 OF 2021

02.06.2026



WEB COPY



W.P. No.11820/2021