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

CWP-15889-2022

Date of Decision :21.04.2026

**DAV COLLEGE TRUST AND MANAEMENT SOCIETY AND
ANR.**

.....Petitioners

VERSUS

**CHIEF INFORMATION COMMISSIONER PUNJAB AND
OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajdeep S. Cheema, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Ms. Divya Godara, Advocate,
for respondent no.3.

KULDEEP TIWARI, J.(Oral)

1. The petitioners fetching grievance from an order dated 05.07.2022 (Annexure P-5), passed by the Chief Information Commissioner, Punjab (respondent no.1), has filed the instant petition, under Article 226/227 of the Constitution of India, challenging the legality thereof, on the ground that the petitioner was neither a party before the Punjab State Information Commission, nor afforded any opportunity of hearing, therefore, the impugned order is in nullity in the eyes of law, as no adverse direction could have been passed against the petitioners without granting them an opportunity of being heard.

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2. This Court has heard learned counsel for the petitioner and has perused the impugned order.

3. In the impugned order, it is categorically observed by the Punjab State Information Commission that the information pertaining to point No.1, 4, 5, 6, 7 and 8, relates to the petitioners-College, and respondent no.3, i.e. Public Information Officer office of Dean, College Development Council, Punjabi University, Patiala, transferred RTI application, to the DAV college, Bathinda, under Section 6 (3) of the RTI Act, 2005. In view of the above, the then Public Information Officer, O/O DAV College, Bathinda, was ordered to be impleaded as a necessary party. Further it was directed to submit his response/supply information to the applicant by the next date of hearing. The relevant observation of the said order is extracted hereinafter:-

“2. The representative of the respondents states that the appellant has sought 9 points information in his RTI application. He further submits that the information which relates to Punjabi University, Patiala pertaining to point no. 2 and 9 has been supplied to the appellant vide letter no. 11.11.2021. The PIO has sent letter no. 3258 dated 22.6.2022 along with letter dated 11.11.2021 to the Commission which is taken on record. Information pertaining to point no. 1, 4, 5, 6, 7 and 8 relates to D.A.V. College, Bibiwala Road, Bathinda. Accordingly, the RTI application of the appellant is transferred to D.A.V. College, Bathinda under section 6(3) of RTI act, 2005 vide letter no. 3235 dated 21.6.2022.

3. XXX XXX XX.

4. In view of the above, the PIO O/O D.A.V. College, Bathinda is impleaded as a necessary party in this case and the PIO is hereby, directed to submit his response/supply information to the appellant before the next date of hearing. A copy of RTI application of the appellant is being sent to the PIO.”

4. A perusal of the above directions clearly depicts that the



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petitioners were ordered to be impleaded as a party, and even they were afforded an opportunity to file response to the second appeal preferred by respondent no.2-Anil Bhatia, and the matter was adjourned to 27.07.2022. In the meantime, the petitioners have approached this Court by filing instant writ petition, and, this Court, at the time of issuance of notice of motion vide order dated 25.07.2022, granted stay in favour of the petitioners.

5. This Court finds that the instant petition, is a premature motion. Since the Punjab State Information Commission (respondent no.1), is affording an opportunity of hearing to the petitioners, therefore, they cannot raise a grouse to the effect that no such opportunity was afforded before passing the impugned order.

6. Since the final order is, yet, to be passed by the Punjab State Information Commission, therefore, the petitioners, are relegated to the the latter concerned, at first instance, to approach and file their response, with liberty to take all such pleas, as raised before this Court.

7. **Disposed of** accordingly.

8. All pending application(s), if any, stand **disposed** of accordingly.

April 21, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

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