



2026:DHC:2585



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2922/2026 and CM APPL. 14112/2026**

Date of Decision: **17.03.2026****IN THE MATTER OF:**

SUPREME COURT OF INDIA

.....Petitioner

(Through: Mr. Shashank Bajpai CGSC, Mrs. Shakun Sudha Shukla, Mr. Gopi Chand, Ms. Aashna Mehra, Mr. Vatsal Tripathi, Mr. Govind Singh Chauhan, Mr. Ashutosh Kalia Assistant Registrar SCI, Mr. Tarun Maurya Sr. Court Assistant SCI, Ms. Ankita Zadoo Court Assistant SCI.)

versus

LOVE KAUSHIK

.....Respondent

*(Through: None.)***CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

"a. Issue an appropriate writ, order or direction setting aside and quashing the Impugned Order dated 07.11.2025 passed by the then Registrar-cum-First Appellate Authority under the RTI Act in favour of the Respondent, to the extent that such orders direct, permit or result in disclosure of examination-related information (including evaluated answer scripts, scaled marks, moderation data and related records) in a manner contrary to or inconsistent with the law.

b. Issue an appropriate writ, order or direction reinstating the decision passed by the Petitioner

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c. Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. The petitioner *vide* the instant petition seeks to challenge the order passed by the First Appellate Authority under the RTI Information Act, 2005 ("**RTI Act**") directly before this Court without availing the statutory remedy under Section 19 of the RTI Act, which is available before the Central Information Commission ('**CIC**').

3. The petitioner submits that the expression "*any person*" as it appears in Section 19(1) of the RTI Act, would exclude a "*public authority*" as defined under Section 2(h) of the RTI Act. Further, it is argued, that since it cannot file a First Appeal under Section 19(1) of the Act, it also cannot prefer a Second Appeal under Section 19(3) of the RTI Act.

4. The said argument does not even bear an iota of merit. A bare perusal of Section 19 of the RTI Act, would make the same, palpably obvious. The said provision is extracted as under:

"19. Appeal.

(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority:

...

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission"

5. Section 19(1) of the Act deals with two categories of persons who are entitled to prefer a First Appeal. *First*, is a person who does not receive a



decision within the stipulated time limit, and *second*, is any other “*person*” aggrieved by the decision of the Central Public Information Officer or State Public Information Officer, as the case may be. While Section 2(h) of the RTI Act defines “*public authority*”, the word “*person*” has not been specifically defined.

6. There is no reason to interpret “*person*” in a manner such that it excludes “*public authority*”. While not argued by the learned counsel for the petitioner, the only rationale that could possibly be given, is that since the information officer is a part of the public authority, which has provided the information, an appeal against the said decision would perhaps be hit by the rule of estoppel, or would amount to blowing hot and cold. However, under the scheme of the RTI Act, the information officer is intended to be an independent authority, unmoved and unshaken by the whims of the public authority itself. The officer has to function, strictly, according to the letter and spirit of the law, and acts separate from the public authority. The concerned official, may be part of the institution/organisation, but he can, in law wear two different hats. The action of the former cannot be attributed to the latter, nor *vice-versa*.

7. There is, thus, no apparent contradiction or difficulty, in a public information officer, preferring an appeal against an order of the First Appellate Authority, or for a “*public authority*” as defined under Section 2(h) of the RTI Act, to prefer either a First Appeal under Section 19(1) of the Act or a Second Appeal under Section 19(3) of the Act.

8. In this connection reliance may be placed on the celebrated commentary of Mr. C.M. Bindal & Mrs. Anshu Bindal titled ‘*Guide to the*



Right to Information Act, 2005¹ wherein the learned authors note:

“Sub-section (3) of Section 19 states, “A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission.” This provision does not clearly specify as to whether the applicant or information seeker (who made the first appeal) is alone entitled to make the second appeal before the Commission. Therefore, even CPIO or PIO, if he or she is of the view that the decision made by the first appellate authority is not in accordance with the RTI Act provisions, can file the second appeal before the Commission under Section 19(3). Similarly, the first Appellate Authority can also file the appeal before the Commission as the law does not prohibit any such category. The Full Bench of Central Information Commission in a case [Mrs. Guninder Kaur Gill v. Shri Prabhakar, DCP EOW, Appeal No. CIC/WB/A/07/00679, dated 22.5.2007] reconsidered the issue [since the Commission had rejected an appeal made by the CPIO in K.K. Shrivastava, CPIO v. Chief Commissioner, Central Excise, Mumbai, decided on 3.3.2006] and held that the word ‘person’ has not been defined in the Act, but it is wide enough to include a Public Authority, which is a juristic entity and as such is a ‘person’ in the eye of law. The right of appeal is a legal right and is available to every aggrieved party to a proceeding and this right cannot be taken away unless law explicitly provides it. In other words, the CPIO or the AA can also file the appeal (second appeal) before the Commission.”

9. Similarly, in the commentary titled ***‘Dr. J.N. Barowalia, on the Right to Information Act, 2005’***,² it has observed:

“The term ‘person aggrieved’ used in section 19 of the Right to Information Act includes the ‘public authority’ who can also file appeal against the order passed by the Public Information Officer or the first appellate authority because the PIO or the first appellate authority is an independent quasi-judicial authority to decide the issue whether a particular information shall be supplied to the citizen or not on the application moved under the Right to Information Act and in case the decision is against the public authority, the public authority can prefer appeal before the Central or the State Information Commissioner, as the case may be, against the decision of the first appellate authority and even can further challenge the decision of the concerned Information Commission before the Hon’ble High Court in writ petition under Article 226/227 of the Constitution of India. In appeal preferred by a citizen under section 19 of the Right to Information Act, in

¹ 1st Ed., 2009, Snow White Publications, Pg. 266.

² 2nd Ed., Universal Law Publishing, Pg. 417.



the opinion of the author, the public authority is required to be made respondent and not the PIO except where the proceedings are sought to be initiated under section 20 of the Right to Information Act. Where the appellate authority overruled the order of the CPIO and the appeal before the Central Information Commission is preferred by the CPIO against the decision of his own appellate authority, it has been held that the CPIO is the information provider, and not the seeker of information and there is no question of denial of information and, as such, there is no provision in the Right to Information Act to consider such appeals/complaints and accordingly the appeal is dismissed being not maintainable.”

10. On similar lines the Karnataka High Court in ***GH Sharanappa v. Commissioner, Karnataka State Information Commission***,³ has, importantly, held as under:

“14. The procedure contemplated under Section 19 is an appellate procedure. A right of appeal is always a creature of the statute. It is valuable statutory right conferred upon an aggrieved person to enter a superior forum for invoking its aid and interposition to correct error of the inferior forum, which is a very valuable right. Therefore, when the statute confers such a right of appeal, that must be exercised by a person who is aggrieved. One aspect is clear that the statute confers the right of appeal to be exercised by any person aggrieved not confining itself to the refusal or reason to furnish.”

11. It is also, noteworthy, to observe that the legislature has consciously created two categories⁴ under Section 19(1) of the RTI Act. The second category is in addition to, and significantly broader than the first. The phraseology used in the Act would entitle any person aggrieved by a decision of the concerned information officer to prefer a First Appeal. It is but obvious that before the Appellate Authority, in order to establish *locus standi*, the concerned person must establish that it is “aggrieved”. Thus, the question of maintainability of an appeal either under Section 19(1) or under 19(3) does not turn on the meaning of “person”, but on the issue of whether

³ W.P.(C) 5474/2018, Order dt. 18.11.2022.



the concerned person is aggrieved or not.

12. The word “*person*” simpliciter, without any qualification, would certainly not be limited to a person applying for the information. Reliance may also be placed on the General Clauses Act, 1897, which, under Section 3(42) defines “*person*” as including not merely natural persons, but also including an association/body of individuals. It reads as under:

“3. Definitions.

In this Act, and in all Central Acts and Regulations made after the commencement of this Act, unless there is anything repugnant in the subject or context,—

(42) “person” shall include any company or association or body of individuals, whether incorporated or not”

13. Importantly, in ‘*Benion on Statutory Interpretation*’,⁵ the general rule is stated to be that unless a contrary interpretation appears “*person*” must include a body of persons corporate or unincorporate. It is, further, opined that statutes are normally drafted on the basis that “*person*” covers companies and other bodies of persons as well as natural persons. The material portion of commentary reads as under:

“Section 19.5: ‘Person’

19.5

(1) Unless the contrary intention appears, ‘person’ includes a body of persons corporate or unincorporate: Interpretation Act 1978, Sch 1.

(2) The term ‘individual’ is sometimes used to make it clear that a provision is confined to natural persons, although ‘person’ is also used in contexts where only natural persons are relevant.

Comment

*Acts are normally drafted on the basis that ‘person’ covers companies and other bodies of persons as well as natural persons. The Interpretation Act 1978 makes it unnecessary to mention companies or other bodies separately on each occasion, unless there is something about the context that could be taken to indicate a contrary intention.*⁶

⁴ See Para. 5 of this Judgement.

⁵ 7th Ed., Lexis Nexis, Pg. 492-494.

⁶ See eg *Davey v Shawcroft* [1948] 1 All ER 827 (committee a ‘person’); *Boarland (Inspector of Taxes) v*



...

Ordinary meaning of the word 'person'

While the definition in the Interpretation Act 1978 makes it clear that 'person' includes bodies of persons it does not otherwise affect the width of the term, which must therefore be given its ordinary meaning. This is unlikely to give rise to difficulty in most cases.

...

'Individual' and 'people'

It will often be clear from the context whether the word 'person' is intended to be limited to natural persons. Where an express limitation is needed the usual drafting practice is to use the word 'individual', although even that word is capable of a broader meaning if the context requires. As Mann J said in *Jasmine Trustees Ltd v Wells & Hind (a firm)*:⁷

'... in a legal context the more natural meaning of the word "individual" is that it equates to a natural person, and would therefore exclude corporations. In everyday parlance that is a more natural meaning. I would not consider it natural for even a lawyer to refer to a company as an individual. Dictionaries provide little assistance on the particular issue in this case, but they do tend to support the view that the more natural use is to describe humans rather than artificial persons ... That, then is the starting point. Having said that, the word when used in legislation takes its colour from its surroundings, and each side produced authority on the word "individual" when used in various differing contexts.'

The term 'people' is also sometimes used, mainly because it sounds more natural than 'persons'. However, 'people' is less apt to cover anything other than natural persons."

14. A similar opinion is expressed in '**Justice G P Singh on Principles of Statutory Interpretation**',⁸ the material portion of which reads as under:

"“Person” shall include any company or association or body of individuals, whether incorporated or not; The word "person" has been defined in a very wide sense.

But in any particular statute the meaning of the word may get controlled by the context. Person will include a juristic person e.g, an idol or gurugranth sahib installed in a public temple or a company.

'Person' will also include a local authority and contrary intention cannot be inferred simply from the fact that the draftsman after using the word "person" uses the pronoun "him"."

Madras Electrical Supply Corpn Ltd [1954] 1 WLR 87 at 94 (the Crown, as a corporation sole, is a 'person'). See also *R v Clerk to the Croydon Justices, ex p Chief Constable of Kent* [1989] Crim LR 910. [2007] EWHC 38 (Ch), [2008] Ch 194, [2007] 1 All ER 1142 at [22].



15. Useful reference may also be made to '*P Ramanatha Aiyar's Advanced Law Lexicon*,'⁹ wherein the learned author, after relying upon renowned jurisprudential commentaries has noted as under:

“Any entity (not necessarily a human being) to which rights or duties may be attributed.”[Analytical and Historical Jurisprudence, 3rd Edn., at p. 357, as cited in Shiromani Gurudwara Prabandhak Committee v. Somnath Dass, (2000) 4 SCC 146 para 18 : AIR 2000 SC 1421.]

“So far as legal theory is concerned, a person is any being whom the law regards as capable of rights and duties. Any being that is so capable is a person, whether a human being or not, and no being that is not so capable is a person, even though he be a man. Persons are the substances of which rights and duties are the attributes. It is only in this respect that persons possess juridical significance, and this is the exclusive point of view from which personality receives legal recognition.” John Salmond; Jurisprudence 318 (Glanville L. Williams Ed., 10th ed. 1947).”

16. It is, thus, clear beyond doubt, that the word “*person*” is restricted to natural persons, nor is it curtailed only to the applicant seeking information. The said word as it appears in Section 19(1) of the Act includes a body of individuals, whether incorporated or unincorporated, including a “*public authority*” under Section 2(h) of the RTI Act.

17. Accepting the argument of the petitioner would, also, require this Court to conclude that the carefully designed hierarchical appellate mechanism can only be opted by the applicant who only seeks the information. Any other person would have to assail, even the original decision of the information officer, before the Writ Court under Article 226 of the Constitution of India. Such a situation is unfathomable.

18. The petitioner can be said to be aggrieved by the decision passed by the First Appellate Authority and the petitioner being aggrieved by the said

⁸ 14th Ed., Lexis Nexis, Pg. 1155-1156.

⁹ 3rd Ed., 2009, Lexis Nexis, Pg. 3549-3555.



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decision, is entitled to prefer an appeal under Section 19(3) of the RTI Act before the Central Information Commission. The petitioner, therefore, has an efficacious alternate remedy and is entitled to prefer an appeal. There is, also, no reason why the exhaustion of the alternate remedy should not be insisted upon.

19. Accordingly, the instant petition, along with the pending application, stands dismissed while granting liberty to the petitioner to prefer an appeal. The period spent in the instant proceedings stand excluded, for the purposes of limitation, for filing of an appeal under Section 19(3) of RTI Act.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 17, 2026

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