

Punjab-Haryana High Court

Puneet Kumar vs State Information Commission ... on 6 February, 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(111)

CWP-2133-2017

Decided on: February 06, 2017.

Puneet Kumar

.... Petitioner

Versus

State Information Commission, Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI Present: Mr. Abhimanyu Singh, Advocate, for the petitioner. M.M.S. BEDI, J (ORAL) The petitioner had filed an application before the State Public Information Officer-cum-District Education Officer, Hisar, Annexure P-1, seeking information pertaining to different public schools in Haryana regarding their affiliation, area and size of the schools in square meter; attested copies of NOC of fire safety certificate for last three years; details of qualification of the teachers; attested copies of last two years salary slips of all staff members; existence of facilities of ramp in class rooms; strength of the students; details of the employees and details of the employees provident fund registration numbers; ESI registration numbers; number of toilets in the school; details of admission; details of labs; the mode of accepting fee and including the information pertaining to the vehicles used by the schools and NOCs provided by the transport department.

Learned counsel for the petitioner has submitted that the State Public Information Officer-cum-District Education Officer had given an undertaking in Annexure P-9 before State Information Commission- respondent No.1, to furnish the information.

1 of 4 With the assistance of learned counsel for the petitioner, I have gone through the said undertaking which says that as per Haryana School Education Rules, 2003, District Education Officer is an Officer of the Department holding the charge of school education in a District. The provisions of the Act and these rules shall continue to apply as these schools have been issued No Objection Certificate for pursuing different courses of studies from different Boards. It is further mentioned in the undertaking that the appropriate authority may withdraw/suspend recognition subject to the grant of reasonable opportunity before taking any proposed action.

The said undertaking does not in any manner bind the Deputy District Education Officer, Haryana to provide the information.

The appeal filed by the petitioner has been dismissed on the ground that the information sought for by the petitioner, is related to the private schools which are neither Government aided institutions nor in receipt of any grant from the Government and are not covered under RTI Act.

Learned counsel for the petitioner submits that the said observation regarding private schools being not covered under RTI Act is contrary to the statutory provisions as the private schools are under the supervision of District Education Officer which is a statutory authority as such information sought for by the petitioner should have been provided under the provisions of R.T.I. Act.

2 of 4 I have heard learned counsel for the petitioner and gone through the impugned order and the information sought for by the petitioner.

The petitioner though has not expressed as to how he has got an enforceable legal right to seek the information but presuming that he is public spirited person and interested to seek information, the writ can be entertained.

Perusal of the information sought for by him would indicate that neither the petitioner clarifies the person who would be entitled to the information nor his petition discloses as to how the information sought for by him, is in relationship to any public activity or public interest.

Considering the provisions of Section 8 (1) (f) of Right to Information Act, 2005, it is apparently a personal information regarding the third party which is being sought for by the petitioner.

A similar question had arisen in Girish Ramchandra Deshpande Vs. Central Information Commissioner and others, 2012 (5) Recent Apex Judgment, 205 wherein it was held that in case the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner could not claim these details as a matter of right.

In view of said circumstances, I do not find any infirmity in the order passed by the State Information Commissioner.

The information sought for by the petitioner, appears to be not 3 of 4 bona fide and is in the nature of fishing inquiry having no relationship to public activity or public interest.

The petition is dismissed.

(M.M.S. BEDI)  
JUDGE

February 06, 2017  
harsha

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No

