
(2010) 12 UK CK 0026

In the Uttarakhand High Court

Case No : Writ Petition No's. 2082 and 2083 of 2010 (M/S)

Career Public School Society and Others

APPELLANT

Vs

State Information Commissioner and Others

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Right to Information Act, 2005 — Section 8

Citation : (2010) 12 UK CK 0026

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties.

2. Both the above writ petitions involve similar controversy therefore are being taken up together for final disposal.

3. By means of these writ petitions, the Petitioner has sought writ in the nature of certiorari calling for the records and quashing the impugned order dated 10.11.2010 (Annexure No. 16 and Annexure-11 to the writ petitions respectively) passed by State Information Commissioner-Respondent No. 1.

4. It is stated in para-7 of the writ petition No. 2082 of 2010 (M/S) that several civil as well as criminal proceedings are pending since 2006, against the Petitioner institution and Respondent No. 4 and details of said cases have been mentioned in the same para of the writ petition. It is further stated in the writ petition that the Respondent No. 4-Narendra Kumar has also moved an application before Public Information Officer, Dehradun, under Right to Information Act, 2005, seeking information relating to Petitioner's institution.

5. By perusal of the impugned order, it reveals that in para-2 Public Information Officer was directed to obtain information from the Institute and further directed to give the same to Respondent No. 4. It is pertinent to mention here that in para 14 of the writ petition No. 2082 of 2010 (para-9 of writ petition No. 2083 of 2010), direction was given to Public Information Officer to inform the

Commission about what action has been taken to cancel the recognition. The grievance of the Petitioner is that vide the impugned order whether the Commissioner is right in directing Public Information Officer to obtain information from the Petitioner i.e. third party information, which could be obtained by following the procedure, as provided u/s 8 of the Right to Information Act.

6. Learned Counsel for the Petitioner relied upon the judgment and order dated 09.02.2010, passed by this Court in writ petition No. 2038 of 2009 (M/S). The impugned order is interlocutory in nature and the Petitioner has already filed objections before Information Commissioner.

7. Therefore, in the facts and circumstances of the case, the Information Commissioner while deciding the Second Appeal finally shall consider the aspect that there are cases pending between the parties and whether the information could be supplied, as per provision of Section 8 of the Right to Information Act, 2005.

8. In view of the judgment dated 09.02.2010, passed by this Court in writ petition No. 2038 of 2009 (M/S), both the writ petitions are disposed of finally with the direction that till the final disposal of the Second Appeal, the impugned order shall be kept in abeyance. The Petitioners may file fresh objections, if they so like.