
(2010) 12 UK CK 0199
In the Uttarakhand High Court
Case No : Writ Petition No. 2147 of 2010

Career Public School Society (Regd.) and Others	APPELLANT
Vs	
State Information Commissioner and Others	RESPONDENT

Date of Decision : 21-12-2010

Acts Referred:

Right to Information Act, 2005 — Section 8

Citation : (2010) 12 UK CK 0199

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard Mr. Ramji Srivastava Advocate for the Petitioners, Mr. Vipul Sharma, Advocate for Respondent No. 1 and Mr. P.C. Bisht, Brief Holder on behalf of Respondents 2 and 3.

2. By means of this petition the Petitioner has sought a writ, order or direction in the nature of certiorari quashing the impugned order dated 22-06-2010 (Annexure No. 8 to the writ petition) passed by the First Appellate Authority, i.e. Departmental Appellate Officer/ Apar Shiksha Nideshak, Garhwal Mandal, Pauri as well as the impugned order dated 10-11-2010 (Annexure No. 13 to the writ petition), passed by State Information Commissioner -Respondent No. 1.

4. The allegation of the Petitioners is that the institutions are totally private institutions and are not receiving any financial aid from the Government. As such the institutions are not within the purview of "public authority" u/s 2(h) of Right to Information Act, 2005 and provisions of the Act are not applicable on the Petitioners. The grievance of the Petitioner is that vide 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.

5. Learned Counsel for the Petitioners relied upon the judgment and order dated

09-02-2010, passed by this Court in writ petition No. 2038/2009 (M/S). The impugned order is interlocutory in nature and the Petitioners have already filed objections before Information Commissioner.

6. Therefore, in the facts and circumstances of the case, the Information Commissioner while deciding the Second Appeal finally shall consider the aspect whether the information could be supplied, as per provision of Section 8 of the Right to Information Act, 2005.

7. In view of the judgment dated 09-02-2010, passed by this Court in W.P. No. 2038 of 2009 (M/S), the writ petition is 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.