

(2018) 06 UK CK 0118

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1455 of 2017

Dr. Ashwani Kamboj and others

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

Date of Decision : 26-06-2018

Acts Referred:

Right to Information Act, 2005 — Section 18, 19, 20

Citation : (2018) 06 UK CK 0118

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Neeraj Garg, Yogesh Pandey, Sandeep Kothari

Final Decision : Disposed Off

Judgement

Sudhanshu Dhulia, J. (Oral)

The petitioners are erstwhile members of Management Committee of Mahadevi Kanya Pathshala College, Dehradun, who are aggrieved by the

order of the State Information Commission dated 03.10.2016. Certain information was sought from the Public Information Officer of MKP (PG)

College, Dehradun, which is admittedly a school under grant-in-aid. The applicant not being satisfied with the information supplied to him, filed a first

appeal before the first appellate authority and ultimately the he filed a second appeal before the State Information Commission. The second appeal

was disposed of by the State Information Commission vide order dated 03.10.2016, where certain directions were made by the Commission which

may be taken in the nature of recommendation to the District Magistrate. The State Information Commission has observed that only the management

committee and the authorized persons can take fee and other dues from students and persons who are not authorized cannot collect such fee, and in

case it is taken by them, it is not only illegal but also amounts to a criminal act on their part, and therefore proper procedure be adopted and FIR be

lodged against them. Taking a clue from the said order, this Court has been informed, that the District Magistrate has lodged an FIR, inter alia, against

the petitioners.

2. It is made clear that the case of the petitioners is that they were not before the State Information Commission and being the members of the

committee of management, they were authorized to take fee. In fact there is nothing against them in the order dated 03.10.2016, except general

directions.

3. The State Information Commission has got no specific powers under Sections 18, 19 and 20 of the Right to Information Act, 2005 to direct the

authorities to lodge a first information report. Therefore, the order dated 3.10.2016 cannot be taken as a direction. At best it is an advice or

recommendation. But the competent authorities for whom such directions are made should not routinely follow these orders but apply their mind and

take action on being satisfied that such an action is required. This Court, however, has been informed that a first information report has been lodged by

the District Magistrate. Consequently, nothing further needs to be done.

4. With the observations as above, writ petition stands disposed.