
(2018) 05 UK CK 0096

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 585 of 2016

DR. SAMRAT SHARMA

APPELLANT

Vs

CHIEF INFORMATION COMMISSIONER AND OTHERS

RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0096

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : Samrat Sharma, Mukesh Singh Rawat, Ajay Veer Pundir

Final Decision : Allowed

Judgement

Sudhanshu Dhulia, J. (Oral)Â Â Â

1. Petitioner before this Court is an Assistant Professor in B.S.M. P.G. College, Roorkee, District Haridwar. He had sought certain information during departmental proceedings initiated against him which was not given to him by the Public Information Officer. Thereafter the petitioner preferred an appeal before the first appellate authority, which was disposed by the first appellate authority by making a remark that petitioner is misusing the provisions of the Right to Information Act. Consequently, the petitioner filed a second appeal before the State Information Commission, which too was dismissed by the State Information Commission vide order dated 19.08.2014. While dismissing the second appeal, the State Information Commissioner has made a comment against the petitioner that he is abusing the Right to Information Act and is wasting the time of Government officials. There are other incriminating remarks against the petitioner as well. Hence, the petitioner has preferred the present writ petition.Â

2. The remark as made in para 7 of the order dated 19.08.2014 passed by the State Information Commissioner has absolutely no basis. Whereas the

State Information Commissioner has dismissed the appeal on merit, but making such comment against the petitioner which destroys the

petitioner's image for all times to come particularly as one, who may seek information under the Right to Act, is not justified. In fact the comment

made in para 7 has absolutely no foundation and it also goes against the letter and spirit of the Right to Information Act, 2005.Â

3. Consequently, writ petition is allowed. The order dated 19.08.2014 to the extent whereby comments have been made against the petitioner is hereby

quashed