
(2018) 05 UK CK 0095

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 580 of 2016

DR. SAMRAT SHARMA

APPELLANT

Vs

CHIEF INFORMATION COMMISSIONER AND OTHERS

RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Right to Information Act, 2005 — Section 18

Citation : (2018) 05 UK CK 0095

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

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

Final Decision : Disposed Off

Judgement

Sudhanshu Dhulia, JÂ 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 as to

whether the funds given by the University Grants Commission to the institute were properly utilized or not, as the petitioner apprehended misuse of

such funds. Admittedly no reply was given to the petitioner within thirty days or even thereafter. Thereafter the petitioner moved first appeal before

the appellate authority and subsequently, not being satisfied with the information provided to the petitioner, the petitioner filed a second appeal before

the State Information Commission. The State Information Commission not only dismissed the second appeal of the petitioner, but also given a finding

that it appears that the petitioner has made interpolation in records, and thereafter has directed the Public Information Officer that he can lodge First

Information Report against the petitioner.Â

2. The State Information Commission merely on the basis of conjectures and surmises, without appreciating any written evidence or making an inquiry, under the powers vested in it under Section 18 of the Right to Information Act, has given a finding which is that the petitioner has made interpolation in records, and thereafter has directed the Public Information Officer that he can lodge First Information Report against the petitioner. In the considered view of this Court, the order passed by the State Information Commission to the extent whereby direction has been given to the Public Information Officer to lodge first information report against the petitioner is not justified and consequently the impugned order dated 16.09.2013 to that extent is quashed.Â

3. However, it is made clear that independent of the aforesaid order, if the respondent and the school authorities come to the conclusion that any offence has been committed by the petitioner, they would always be at liberty to lodge a first information report or to file a complaint before the Magistrate against the petitioner,Â in accordance with law.Â

4. Writ petition stands disposed accordingly.