
(2019) 04 RAJ CK 0104
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6199 Of 2019

Lallu Ram Saini	Vs	APPELLANT
State Of Rajasthan And Ors		RESPONDENT

Date of Decision : 24-04-2019

Acts Referred:

Right To Information Act, 2005 — Section 8(J), 9, 11, 19

Citation : (2019) 04 RAJ CK 0104

Hon'ble Judges : Ashok Kumar Gaur, J

Bench : Single Bench

Advocate : Abhishek Sharma

Judgement

The instant petition has been filed challenging the order dated 06.03.2019 passed by District Education Officer, Alwar. The petitioner has further prayed that the respondent be directed not to provide information regarding documents of the petitioner to private respondents as per Right to Information Act.

Counsel for the petitioner Mr. Abhishek Sharma submitted that the private respondent is nowhere concerned in any manner with the educational qualification possessed by the petitioner. Counsel submitted that the complainant himself is a person with criminal background and several cases have been filed against him and he in order to misuse the power provided under Right to Information Act, has initiated the entire process of seeking information with regard to personal issues including the qualification of the petitioner.

Counsel submitted that by the impugned order dated 06.03.2019, District Education Officer has directed Chief Block Education Officer, Panchayat Samiti, Rajgarh to give information as per rules. Counsel submitted that this kind of order to provide information as per rules itself could not have been passed by the District Education Officer. Counsel submitted that petitioner has submitted representation before the authority concerned and no decision has been taken so far and further the respondents are detriment to pass order on the personal

information about the educational qualification of the petitioner. Counsel for the petitioner submitted that as per Section 8 (J) of the Right to Information Act, the personal information which has no relationship to any public authority or interest, cannot be provided unless the larger public interest justify disclosure of information. Counsel submitted that the private respondent in no manner can insist for giving the information and there is no larger interest involved in disclosure of information relating to educational qualification of the petitioner.

This court asks learned counsel for the petitioner with respect to availability of remedy to challenge the said order passed by District Education Officer before the Appellate Authority as per Section 9 of the Act of 2005. Counsel submitted that there has been no decision by the Information Officer and as such the petitioner could not have filed appeal before the Appellate Authority as per Section 19. Counsel further submitted that as per requirement of Section 11, the authorities are required, at least, to give notice to the petitioner before any information is disclosed. Counsel submitted that third party information as per Section 11 of the Act is in-fact not to be given straightway and first of all notice is to be given and after affording the opportunity such order can be passed.

This Court finds that by order dated 06.03.2019 direction has been given by the District Education Officer to the Chief Block Education Officer to furnish information to the private respondent as per rules. This Court finds that if decision has been taken to give information to the private respondent, the same decision is required to be assailed by the petitioner before the Appellate Authority. The requirement under Section 19 of the Act is to provide opportunity to the person if he does not receive the decision within a time bound manner or if a decision is taken by the officer such person who is aggrieved by decision can also approach the Appellate Authority. This Court finds that once direction has been given by the District Education Officer by directing the Chief Block Education Officer to furnish information, the petitioner can always avail the remedy provided to him under Section 19 of the Act.

The submission of the learned counsel for the petitioner that representation filed by the petitioner has not been addressed or taken care of by the respondent and they are detriment to give information to the private respondent. This Court finds that the Chief Block Education Officer has so far not passed any order of giving information or he has not carried out the decision which has been given by the District Education Officer as information was to be given as per rules. The allegation of the petitioner that the notice has not been given to him under Section 11 of the Act of 2015, this court finds that if the direction has not been proceeded further, the allegation of the petitioner that notice has not been given is not sustainable.

In the facts of the case, the present writ petition is not maintainable at this stage, and accordingly the same is dismissed.

Learned counsel for the petitioner, at this stage makes, a request that under

Section 19 of the Act 2005, 30 days time is provided to prefer an appeal. Counsel submits that if the petitioner is permitted to avail remedy of appeal, at least the time may be extended.

This court finds that there is a proviso added to Section 19 of the Act whether the appeal can be admitted after expiry of 30 days. The petitioner is free to satisfy the Appellate Authority that he has provided sufficient cause for not filing the appeal in time and if such application is filed, the Appellate Authority to look into the same and take a decision as per law.