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(2009) 07 DEL CK 0372

In the Delhi High Court

Case No : Writ Petition (C) 10387 of 2009

Priyanka Sarpal and Others — APPELLANT

Vs

Pt. Deen Dayal Upadhayay Institute for The Physically Handcapped and Another — RESPONDENT

Date of Decision : 24-07-2009

Acts Referred:
Right to Information Act, 2005 — Section 20(1), 20(2)

Citation : (2010) 8 RCR(Civil) 3150

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Navin Kumar Jha, for the Appellant; Nemo, for the Respondent

Final Decision : Disposed Off

Judgement

Sanjiv Khanna, J.—The petitioners herein are interns associated and working in Pandit Deen Dayal Upadhayaya Institute for Physically Handicapped.

2. The petitioners herein had moved as many as eight applications under the Right to Information Act, 2005. Most of the information was directed against Mr. G. Pandian, a lecturer and complaints made against him.

3. No satisfied with the information furnished, the petitioners filed eight separate appeals before the Central Information Commission. Seven appeals were disposed of vide order dated 2nd June, 2008 after recording that there was no denial of information and that the PIO has expressed her willingness to allow inspection of documents pertaining to action taken on their complaints. The 8th appeal was disposed of vide order dated 10th September, 2008 with the direction to the PIO to identify and provide specified documents within ten days from the date of the said decision. The petitioners thereafter moved applications before the Central Information Commission dated 25th June, 2008, 23rd September, 2008, 15th October, 2008 and 12th November, 2008 alleging non-compliance. Thereupon, Central Information Commission issued notice to the respondent

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institute and hearing was held on 18th December, 2008. After hearing both the parties, the Commissioner passed order dated 19th December, 2008 and observed that the documents had been shared and the decision has been complied and all the appellants have passed with over 60% marks. The annexures to this order states that as many as 61 pages were supplied.

4. The petitioners thereafter filed another application before the Central Information Commission with the following request:

We, therefore in the aforesaid facts and circumstances request you to direct the PIO to provide us (the applicants) following information;

A. Whether there is any post of student coordinator in BPO division and if so the name of the person in charge of the same with respect to all four year of the BPO course and date of taking over the respective charges.

B. Name of the person in charge of the internal examination and assessment of the BPO division.

C. The reason behind suspension and the photo copy of the complaint filed against Mr. G. Pandian and other relevant material on the basis of which action was taken against him and he was asked to transfer the charge on 17.07.2007.

D. Photo copy of the all complaints and applications of the students available before the enquiry committee comprising Smt. Rajni Kalra (Chairperson), Sh. A.K. Sukla (Member) and Smt. Harbhajan Kaur (Member Secretary).

E. Photo copy of the rules and regulation of the BPO division, if any and also the photo copy of the code of conduct applicable in the internal examination in BPO division.

F. Information in terms of the para 3.11 of this application and the photo copy of the answer sheets and the marks obtained by applicant No. 3 in the all papers.

G. Is the any programme initiated by the department is official or unofficial.

? The Hon''ble Commission may also be pleased to impose a penalty against PIO u/s 20(1) of the Right to Information Act 2005 and also recommend for the disciplinary action under the service rules u/s 20(2) of the Right to Information Act 2005 for giving incomplete, misleading and false information.

? The Hon''ble Commission may also be pleased to pass further order as it deem fit and proper in the light of fact and circumstances of this application.

5. The application was considered by the Central Information Commission and the petitioners were advised to adopt the procedure under the Right to Information Act, 2005, i.e., file an application before the concerned PIO for supply of information. The impugned order are justified and no ground for interference is made. The petitioners must first approach the CPIO by filing an application for supply of information and in case of failure, approach the Central Information Commission in accordance with law.

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The writ petition is disposed of.

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