

(2018) 12 RAJ CK 0301

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 545 Of 2018 In Civil Writ Petition No. 22201 Of 2017

Syed Shahid Ali

APPELLANT

Vs

State Public Information Officer & District Education Officer
And Ors

RESPONDENT

Date of Decision : 13-12-2018

Acts Referred:

Right To Information Act, 2005 — Section 8(1)(j)

Limitation Act, 1963 — Section 5

Rajasthan Civil Services (Classification, Control And Appeal) Rules, 1958 — Rule 16, 17

Citation : (2018) 12 RAJ CK 0301

Hon'ble Judges : Mohammad Rafiq, J;Goverdhan Bardhar, J

Bench : Division Bench

Advocate : Sara Parveen, Tanveer Ahmed

Final Decision : Disposed Off

Judgement

This special appeal has been filed by the appellant assailing judgment dated 25.01.2018 passed by the learned Single Judge of this Court whereby the writ petition filed by the appellant has been dismissed. Writ petition was filed by the appellant challenging order dated 12.06.2017 passed by the Chief Information Commissioner, Rajasthan State Information Commission, Jaipur whereby appeal preferred by the appellant was dismissed.

Learned counsel for the appellant argued that the learned Single Judge has not appreciated the fact that the required information was not available with the respondents whereas at no point of time such reasoning/defence was taken/raised by the respondents during the course of pendency of the appeal before the Information Commission or during first appeal. However, the appellant did not seek any personal information with regard to any person neither he has mentioned name of any of his counterpart, but it was arbitrarily considered to be personal information rather it was a detail regarding the matters in which notice

under Rule 16 and 17 of the Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 (for short 'the Rules of 1958'). It is argued that it is not required to give reasons for the purpose for which information is being sought and therefore, dismissal of the writ petition as well as impugned order dated 12.06.2017 are liable to be set aside. It is argued that no such material is available on record which reveals that such information is not available. There is no such stand of the respondents and there was nothing on record to presume by the learned Information Commissioner.

We have heard learned counsel for the appellant and notwithstanding with the delay in filing of the appeal, we have examined the matter on merits and find that the learned Single Judge was perfectly justified in holding that decision with regard to notices issued under Sections 16 and 17 of the Rules of 1958 to other employees and the same would be saved by Section 8(1)(j) of the Right to Information Act, 2005 which provides that information which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual would be exempt from disclosure, unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

In view of above, there is no merit in this appeal which is accordingly dismissed.

Stay Application No. 9007/2018 stands dismissed.

Application No. 555/2018 under Section 5 of the Limitation Act stands disposed of.