

Punjab-Haryana High Court

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Dav College Trust And Managing ... vs Others on 27 October, 2009

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH. L.P.A. No. 1105 of 2009

Date of Decision: October 27, 2009

DAV College Trust and Managing Society and another ...Appellants

Versus

Director of Public Instructions (Schools), U.T. Administration, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajdeep Singh Cheema, Advocate, for the appellants.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

M.M. KUMAR, J.

The instant appeal filed under Clause X of the Letters Patent is directed against judgment dated 15.7.2009 passed by the learned Single Judge in C.W.P. No. 7495 of 2009, dismissing the writ petition filed by the petitioner- appellants.

The petitioner-appellants challenged the order dated 18.3.2009 (P-1) passed by the Central Information Commissioner directing them to provide information in respect of Hari Ram Hostel of DAV Senior Secondary School, Sector-8, Chandigarh, to Shri Satpal Kharwal-respondent No. 3 under the Right to Information Act, 2005 (for brevity, 'the Act'). The petitioner- LPA No. 1105 of 2009 2 appellants have withheld the information on the pretext that since Hari Ram Hostel regarding which information was sought, is not an aided institute, therefore, they are not liable to provide any information. The matter went up to Central Information Commission and the order dated 18.3.2009, passed by it was assailed by the petitioner-appellant in the writ petition. The learned Single Judge has reached the conclusion that the petitioner-appellant School is receiving financial aid from the Union Territory, Chandigarh, thus, it is covered under the definition of 'public authority' as defined in the Act. In that regard, learned Single Judge has placed reliance on a Division Bench judgment of this Court rendered in the case of Principal, M.D. Sanatan Dharam Girls College, Ambala City and another v. State Information Commissioner, Haryana and another (CWP No. 453 of 2008, decided on 14.1.2008). It has also come on record that the petitioner-appellants have already supplied the requisite information to the applicant-respondent No. 3.

Having heard learned counsel for the petitioner-appellants and perusing the paper book with his able assistance, we are of the considered view that there is no legal infirmity in the judgment passed by the learned Single Judge warranting interference of this Court. The Division Bench in C.W.P. No. 453 of 2008 (supra) after referring to the provisions of Section 2(h) of the Act and judgments of Hon'ble the Supreme Court in the cases of CIT v. Taj Mahal Hotel, (1971) 3 SCC 550 and Doypack Systems Pvt. Ltd. v. Union of India, (1988) 2 SCC 299, has observed that the definition of 'public authority' comprises in the first category those

authorities, bodies or institutions of self government which are established or constituted by or under the Constitution or by the law made by the Parliament or the State Legislature or by the notification LPA No. 1105 of 2009 3 issued or orders made by the appropriate government. It has further been held that in the second part 'public authority' has been defined to include any-body owned, controlled or substantially financed or non government organisation substantially financed directly or indirectly by the funds provided by the appropriate Government. In the present case, it is conceded position that the petitioner-appellants are receiving grant-in-aid from the Union Territory of Chandigarh, therefore, it is covered by the expression used in Section 2(h)(d)(ii) of the Act namely 'non Government organisation substantially financed directly or indirectly by the funds provided by the appropriate government. As a sequel to the above discussion, we find no ground to interfere in the judgment passed by the learned Single Judge. Accordingly, this appeal fails and the same is dismissed.

(M.M. KUMAR)

JUDGE

(JASWANT SINGH)

October 27, 2009 JUDGE Pk Kapoor