



CGHC010072272020

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on 12.05.2026

Order pronounced on 04.08.2026

Order uploaded on 04.08.2026

WPC No. 909 of 2020

D. K. Soni S/o Late Shri Ramji Prasad Soni, aged about 42 years, occupation- Advocate, R/o Banaras Road, Chahirma, Post- Latori, P. S. Gandhi Nagar, Tahsil- Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

--- Petitioner

versus

1. State of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The State of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The First Appellate Authority and Upper Collector Surajpur District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
4. The Public Information Officer Collector Office Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

--- Respondents

WPC No. 913 of 2020

D. K. Soni S/o Late Shri Ramji Prasad Soni, aged about 42 years, occupation- Advocate, R/o Banaras Road, Chahirma, Post- Latori, P. S. Gandhi Nagar, Tahsil- Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---Petitioner

Versus

1. State of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The State of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The First Appellate Authority and Upper Collector Surajpur District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
4. The Public Information Officer Collector Office Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

--- Respondents

WPC No. 912 of 2020

D. K. Soni S/o Late Shri Ramji Prasad Soni, aged about 42 years, occupation- Advocate, R/o Banaras Road, Chahirma, Post- Latori, P. S. Gandhi Nagar, Tahsil- Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---Petitioner

Versus

1. State of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The State of Chhattisgarh Through Secretary, State Information Commission, Mahanadi Bhawan New Mantralaya, Atal Nagar District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The First Appellate Authority and Upper Collector Surajpur District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh
4. The Public Information Officer Collector Office Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

--- Respondents

For Petitioner	:	Shri Santosh Kumar Pandey, Advocate
For Respondent/State	:	Shri Anand Gupta Dy. GA
For Respondent No.2	:	Shri Shyam Sudar Lal Tekchandani, Advocate

(Honble Shri Justice Sachin Singh Rajput)

C A V Order

Similarity of the issue involved in all the aforesaid Writ Petitions makes this Court decide the same by this common order:-

2. The order under challenge in WPC Nos. 909/2020 and WPC No. 913/2020 is the order dated 10.10.2019 passed by the State Information Commission, Raipur (Respondent No.2) dismissing the second appeals preferred by the petitioner and thereby affirming the findings recorded by the Information Officer and the First Appellate Authority & Additional Collector, Surajpur, CG vide orders dated 06.03.2018 and 09.04.2018 respectively. The order under challenge in WPC No. 912/2020 is also the even dated one by which the First Appellate Authority was warned to be cautious in future so that the First Appeals brought before it are disposed of within the period prescribed in the relevant provision, or else appropriate proceedings will be drawn up against it. At the same time, respondent No.2 also directed for sending a copy of the order dated 10.10.2019 along with the copy of the Second Appeal to the Principal Secretary, Higher Education Department, Raipur so that necessary training may be imparted to the Information Officer and the First Appellate Authority of the Sarguja University enabling them to decide the matters brought before them within the period prescribed in the relevant provision.

3. The facts necessary for disposal of the aforesaid three writ petitions are sketched briefly as under:-

4. **WPC Nos. 909/2020 and WPC 913/2020:** The petitioner submitted an application before Public Information Officer, Collector Office, Surajpur, CG (Respondent No.4) under Right to Information Act, 2005 (for short "RTI Act") on 02.02.2018 seeking information pertaining to the application for registration of marriage submitted before the Additional Collector & Special Marriage Officer, by Kapil Dev Paikra and Lavkesh Kumar Paikra, along with all the documents

enclosed thereto; the order sheets, advertisement and report. The respondent No. 4 however mentioning the matter being under consideration advised the petitioner to move an application to obtain certified copy of those documents, and it rejected the application by orders dated 01.03.2018 and 06.03.2018. Challenging these orders, the petitioner preferred the First Appeal on 07.03.2018 under Section 19 (1) of the RTI Act before respondent No.3, which by order dated 09.04.2018 came to be dismissed on the ground that the application seeking information preferred by the petitioner was in contravention of the provisions of Section 8 (ख)(ड)(त्र) of the RTI Act. Being aggrieved by the said order, the petitioner preferred Second Appeal before respondent No. 2 which too came to be dismissed on the ground that the orders passed by the Public Information Officer and the First Appellate Authority were fully justified, and that the petitioner being a third party is not entitled to get the desired information.

5. **Facts involved in WPC No. 912/2020:** In this petition too the order under challenge is the even dated one passed by the State Information Commission, Raipur (Respondent No.2). In this case, the petitioner sought the inquiry papers including the statements of the witnesses and the inquiry report pertaining to the complaint made against D.P.S. Tiwari. The Information Officer declined the request of the petitioner on the ground that the inquiry was still in progress. This order of Public Information Officer was challenged before respondent No.3, but as no order was passed by the First Appellate Authority within the period prescribed, the petitioner preferred Second Appeal before the Respondent No. 2. As already indicated above, Respondent No.2 warned the respondent No. 3 to be cautious in future so that the First Appeals brought before it are finalized within the period prescribed in the relevant provision, or else appropriate proceedings would be undertaken in accordance with relevant provision. At the same time, respondent No.2 also directed for sending a copy of the order dated 10.10.2019 along with the copy of the Second Appeal to the Principal Secretary, Higher Education Department, Raipur so that necessary training may be imparted to the Information

Officer and the First Appellate Authority of the Sarguja University enabling them to decide the matters brought before them within the period prescribed in the relevant provision.

6. Learned counsel for the petitioner submits that the orders assailed in these Writ Petitions are illegal, arbitrary and contrary to relevant provisions of law. He submits that the desired information has wrongly been denied to the petitioner on the ground that the proceedings pertaining to which the papers were sought was a judicial proceeding and further the petitioner being the third person could obtain the certified copy thereof through proper channel instead of doing that under the RTI Act. He submits that even if the proceedings are underway as observed by the Public Information Officer and the First Appellate Authority, at least the other relevant documents could be supplied, but even that has not been done. He further submits that as the information was not supplied within time, the Public Information Officer could have been slapped the penalty of Rs. 250/- per day but not exceeding Rs. 25,000/- as provided in Section 20(1) of the RTI Act.

7. Learned counsel for respondent No.2 however resists the arguments advanced by counsel for the petitioner and submits that the order under challenge in these petitions is fully justified. He submits that from the order impugned it is evident that since the information sought to be obtained by the petitioner being a third person could not be provided under the RTI Act, the Public Information Officer had suggested to him to obtain the certified copy thereof through proper channel, and thus it cannot be said that there was any breach of the relevant provision on the part of the respondents. He submits that the information sought to be obtained by the petitioner appears to be of personal character, disclosure of which has no relationship to any public activity or interest. Lastly, he submits that the order impugned passed by respondent No.2 is strictly in accordance with the provisions of RTI Act and being so the petitions are liable to be dismissed.

8. Heard counsel for the parties and perused the documents available on record.

9. From the documents available on record it is evident that the information sought in these two Writ Petitions pertains to registration of marriage submitted before the Additional Collector & Special Marriage Officer, by Kapil Dev Paikra and Lavkesh Kumar Paikra, along with the documents enclosed thereto; the order sheets etc. The respondent No. 4 however mentioning the matter being under consideration before the Additional Collector & Special Marriage officer, Surajpur and further that the proceedings are the judicial ones, advised the petitioner to obtain certified copy of the said documents from the concerned office, and thus declined to supply the information sought for, by orders dated 01.03.2018 and 06.03.2018. In First Appeal preferred under Section 19 (1) of the RTI Act before respondent No.3, the orders passed by the Public Information Officer came to be affirmed by order dated 09.04.2018 on the ground that the application seeking information preferred by the petitioner was in contravention of the provisions of Section 8 (ख)(ड)(र) of the RTI Act. Order dated 09.06.2018 passed by the First Appellate Authority has also been confirmed by the order under assail herein. This Court, in the aforesaid factual background, is thus required to see whether the documents sought for by the petitioner relate to personal information, that the disclosure of which has no relationship to any public activity or interest, or that it would cause unwarranted invasion of the privacy of the individual.

10. This Court is not oblivious of the fact that the object of the RTI Act is to promote transparency and accountability in the functioning of public authorities, but at the same time it has also to be kept in mind that this Act recognizes that the right to information is not absolute and provides for certain exemptions under Section 8 in the cases where such disclosure is likely to unjustifiably invade the protected interests including the privacy of individuals.

11. If the factual spectrum of the case in hand is taken a look at, the information sought by the petitioner in these two cases pertains to an application submitted by two private individuals before the Special Marriage Officer for registration of marriage. Such application together with the supporting documents, ordinarily

contains personal information such as name, age, date of birth, addresses, photographs, identity documents, affidavits and other particulars furnished for the purpose of registration of marriage which indisputably pertain to the identity of an individual.

12. Section 8(1)(j) of the RTI Act provides for exemption from disclosure of personal information which has no relationship to any public activity or public interest such as for exposing corruption, misuse of public office, fraud in discharge of official duties, or any matter affecting public interest and so on and so forth, or which would cause an unwarranted invasion of the privacy of the individual, unless the authority concerned is satisfied that the larger public interest justifies its disclosure. However, in the cases in hand, the petitioner has neither pleaded nor demonstrated any larger public interest requiring disclosure of the information sought for. The Supreme Court in a series of decisions, one being in the matter of **Canara Bank vs C.S. Shyam** reported in (2018) 11 SCC 426 has consistently held that personal information concerning an individual enjoys protection under Section 8(1)(j) of the RTI Act and cannot be directed to be disclosed unless the applicant establishes the existence of an overriding larger public interest. Merely because the records are maintained by a public authority does not automatically render every document contained therein liable to disclosure. The nature of the information and the statutory exemptions provided under Section 8 are equally required to be kept in view. Relevant portion of the said decision reads as under:-

“13. In [Girish Ramchandra Deshpande's](#) case (supra), the petitioner therein (Girish) had sought some personal information of one employee working in Sub Regional Office (provident fund) Akola. All the authorities, exercising their respective powers under the Act, declined the prayer for furnishing the information sought by the petitioner. The High Court in writ petition filed by the petitioner upheld the orders. Aggrieved by all the order, he filed special leave to appeal in this Court. Their Lordships dismissed the appeal and upholding the orders passed by the High Court held as under:-

“12. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notices and orders of censure/punishment, etc. are qualified to be personal information as defined in clause (j) of [Section 8\(1\)](#) of the RTI Act. The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression “personal information”, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

13. The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under clause (j) of [Section 8\(1\)](#) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information.”

14. In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under [Section 8\(j\)](#) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

13. Thus in view of the aforesaid factual and legal position, the submission of the counsel for the petitioner that the documents applied under the RTI Act constitute public documents does not appeal to the judicial conscience of this Court because mere availability of records with a statutory authority does not obliterate the exemption available under Section 8(1)(j) where disclosure is likely to invade the privacy of a third party. The State Information Commission has recorded a finding that the petitioner is a third party and for that he is not entitled to receive the information sought for. This finding is based upon the nature of the information sought and cannot be said to be arbitrary or perverse. The scope of judicial review under Article 226 of the Constitution is confined to examining the legality, procedural fairness and jurisdictional correctness of the orders passed by the statutory authorities and being so the Writ Court cannot be supposed to sit as an appellate authority over the findings of the Information Commission. The orders impugned are not shown to suffer from patent illegality, perversity, arbitrariness or jurisdictional error warranting interference by this Court in exercise of the writ jurisdiction.

14. Thus upon close examination of the facts involved and documents annexed to these writ petitions, this Court is of the considered opinion that the authorities have correctly arrived at the conclusion that the information sought by the petitioner falls within the category of personal information which is exempted under Section 8(1)(j) of the RTI Act. The petitioner has failed to make out a case where any statutory or constitutional infirmity in the impugned orders warranting interference in exercise of writ jurisdiction exists. These petitions thus are liable to be dismissed.

15. So far as **WPC No. 912 of 2020** is concerned, this Court is of the opinion that the State Information Commission has noticed that the First Appellate Authority had failed to discharge its statutory obligation of deciding the first appeal within the prescribed period, and for that the Second Appellate Authority has cautioned it (First Appellate Authority) to remain vigilant in future and to ensure that first appeals are decided within the time stipulated under the relevant provisions of the RTI Act,

or else appropriate proceedings may be initiated in accordance with Section 20(2) thereof. The Commission further directed to forward a copy of its order dated 10.10.2019 enclosing a copy of the second appeal to the Principal Secretary, Higher Education Department, Raipur so that he may instruct the Public Information Officer and the First Appellate Authority of the Sarguja University to furnish the information as per paragraph No. 7 of the Second Appeal, and also to ensure that appropriate training may be imparted to the Public Information Officer and the First Appellate Authority of Sarguja University to enable them to discharge their statutory functions effectively.

16. However, the fact remains that despite noticing the lapse on the part of the authorities, the Commission did not examine the legality of the order passed by the Public Information Officer refusing disclosure of the information sought by the petitioner. The Commission also failed to consider whether the information sought was exempt from disclosure under any of the provisions of the Right to Information Act, 2005, or whether the ground assigned by the Public Information Officer, such as the inquiry was pending etc. constituted a valid exemption under the Act. The second appeal was thus disposed of without adjudicating the petitioner's substantive grievance on merit. This Court with heavy heart is constrained to observe that the statutory duty of the State Information Commission while deciding a second appeal is not confined just to examining procedural irregularities committed by the authorities under the Act. Being the final appellate authority under the statute, it is required to determine the legality and correctness of the decision of the Public Information Officer and to record a finding as to whether the information sought is liable to be disclosed or is protected by any of the exemptions contained in the Act. Mere issuance of a caution to the First Appellate Authority and directions for imparting training to the concerned officers cannot be treated as an adjudication of the petitioner's second appeal.

17. Be that as it may, since the impugned order does not disclose any consideration of the petitioner's entitlement to the information sought and is

completely silent on the correctness of the order passed by the Public Information Officer, this Court is of the considered opinion that the State Information Commission has failed to exercise the jurisdiction vested in it under the RTI Act. Accordingly, the impugned order passed by the State Information Commission is set aside to the extent it disposes of the petitioner's second appeal without deciding the same on merits. The matter is remitted to the State Information Commission for fresh consideration of the petitioner's second appeal in accordance with law. The Commission shall examine the legality of the refusal made by the Public Information Officer, consider the applicability of the relevant provisions and exemptions under the RTI Act, and pass a reasoned order after affording an opportunity of hearing to all the parties concerned.

18. The Commission shall make all possible efforts to dispose of the second appeal as expeditiously as possible, preferably within a period of 90 days from the date of production of a certified copy of this order.

19. In the result, the Writ Petition Nos. 909/2020 and 913/2020 being devoid of any substance are dismissed as stated in the preceding paragraphs. The writ petition No. 912/2020 however is allowed in the aforesaid terms and the order dated 10.10.2019 under challenge therein stands set aside. No order as to costs.

Sd/-
(Sachin Singh Rajput)
Judge