2026:CGHC:24527

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on : 17.04.2026

Order Delivered on : 18.06.2026

WPC No. 3145 of 2020

DAV Public School Through Its Principal Subhash Block, SECL Korba, District Korba Chhattisgarh.

--- **Petitioner**

Versus

1 - Central Information Commission Through The Registrar, Baba Gangnath Marg, Munirka, New Delhi 110067

2 - Central Public Information Officer South Eastern Coalfields Ltd. Office of General Manager, SECL Korba, District Korba, Chhattisgarh.

3 - Ajay Kumar Shrivastava Resident of LIG 91, Pandit Ravishankar Shukla Nagar, Korba, District Korba, Chhattisgarh.

--- **Respondents**

WPC No. 3365 of 2020

DAV Public School Through Its Principal, Subhash Block, SECL, Korba, District Korba Chhattisgarh.

---**Petitioner**

Versus

1 - Central Information Commission Through The Registrar, Baba Gangnath Marg, Munirka, New Delhi 110067

2 - Central Public Information Officer South Eastern Coalfields, Ltd. Office of General Manager, SECL Korba, District Korba Chhattisgarh.

3 - Ajay Kumar Shrivastava Resident of LIG 91, Pandit Ravishankar Shukla Nagar, Korba, District Korba, Chhattisgarh.

--- Respondents

WPC No. 65 of 2021

DAV Public School, Through Its Principal, Subhash Block, SECL Korba, District Korba, Chhattisgarh.

---Petitioner

Versus

1 - Central Information Commission, Through The Registrar, Baba Gangnath Marg, Munirka, New Delhi 110067

2 - Central Public Information Officer, South Eastern Coalfields Ltd., Office of General Manager, SECL Korba, District Korba, Chhattisgarh.

3 - Ajay Kumar Shrivastava, Resident of LIG 91, Pandit Ravishankar Shukla Nagar, Korba, District Korba, Chhattisgarh.

--- Respondents

WPC No. 862 of 2021

DAV Public School, Through Its Principal, Subhash Block, SECL Korba, District Korba, Chhattisgarh.

---Petitioner

Versus

1 - Central Information Commission, Through The Registrar, Baba Gangnath Marg, Munirka, New Delhi 110067

2 - Central Public Information Officer, South Eastern Coalfields Ltd., Office of General Manager, SECL Korba, District Korba, Chhattisgarh.

3 - Ajay Kumar Shrivastava, R/o LIG 91, Pandit Ravishankar Shukla Nagar, Korba, District Korba, Chhattisgarh.

--- Respondents

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Yashkaran Singh, Advocate on behalf of Mr. Amrito Das, Advocate
For Respondent-SECL	:	Mr. Atul Kumar Kesharwani, Advocate
For Respondent No.3 (In WPC No.862/2021)	:	Mr. Pratik Modi, Advocate on behalf of Mr. Shalvik Tiwari, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. Heard Mr. Yashkaran Singh, learned counsel holding brief of Mr. Amrito Das, learned counsel for the petitioner, Mr. Atul Kumar Kesharwani, learned counsel appearing for respondent-SECL as well as Mr. Pratik Modi, learned counsel appearing on behalf of Mr. Shalvik Tiwari, learned counsel appearing for respondent No.3 in WPC No.862/2021.

2. Since a common and identical question of law as well as fact is involved in all the present writ petitions, they were, with the consent of learned counsel for the parties, clubbed together, heard analogously, and are being decided by this common order. The controversy raised in each of these petitions emanates from similar factual backgrounds and gives rise to overlapping legal issues, thereby making it expedient for this Court to adjudicate them together.

3. In all the writ petitions, the respective petitioners have called in question the legality, validity, and propriety of the orders passed

by respondent No. 1 in second appeals under the Right to Information framework, though bearing different appeal numbers and, in some cases, varying dates. Notwithstanding such minor variations, the nature of the impugned orders, the grounds of challenge, and the reliefs sought by the petitioners are substantially identical. The principal grievance of the petitioners revolves around the correctness and sustainability of the impugned orders, and all petitioners have, in essence, sought calling for the entire records from the respondents and quashing of the respective orders impugned in their petitions.

4. It is also pertinent to note that the pleadings, documents placed on record, and submissions advanced by learned counsel for the parties in all these matters are materially similar. The issues that arise for consideration are common and interconnected, and any separate adjudication of these petitions would not only lead to duplication of judicial effort but may also result in conflicting findings. Therefore, in order to maintain judicial consistency and avoid multiplicity of proceedings, this Court deems it appropriate to decide all these petitions by a common judgment.

5. By filing the present batch of writ petitions, the petitioner – DAV Public School (for short, ‘DAV School’), has called in question the legality, validity and propriety of the orders passed by respondent No. 1 in various second appeals, including but not limited to orders dated 28.09.2020 and 25.09.2020, bearing Second Appeal

Nos. CIC/SECFL/A/2019/600831, 600834, 600832 and 600373. The impugned orders, though arising out of different appeal numbers, are substantially similar in nature and have been assailed on common grounds in all the petitions.

6. For the sake of convenience, the order dated 28.09.2020 passed in Second Appeal No. CIC/SECFL/A/2019/600831 is being treated as the lead impugned order, and the outcome of the present proceedings shall *mutatis mutandis* govern the connected matters as well. In WPC No.3145/2020, the petitioner has prayed for following reliefs :-

> *"10.1 This Hon'ble Court may kindly be pleased to call for the entire record from the respondents pertaining to issuance of the order dated 28.09.2020 (ANNEXURE P-1) passed by respondent No. 1 in Second Appeal No. CIC/SECFL/A/2019/600831.*
>
> *10.2 This Hon'ble Court may kindly be pleased to issue an appropriate writ quashing and setting aside the order dated 28.09.2020 (ANNEXURE P-1) passed by respondent No.1 in Second Appeal No. CIC/SECFL/A/2019/ 600831.*
>
> *10.3 Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.*
>
> *10.4 Cost of the petition.*"

7. In WPC No.3365/2020, the petitioner has prayed for following reliefs :-

> "*10.1 This Hon'ble Court may kindly be pleased to call for the entire record from the respondents pertaining to issuance of the order dated 28.09.2020 (ANNEXURE P-1) passed by respondent No. 1 in Second Appeal No.CIC/SECFL/A/2019/600832.*
>
> *10.2 This Hon'ble Court may kindly be pleased to issue an appropriate writ quashing and setting aside the order dated 28.09.2020 (ANNEXURE P-1) passed by respondent No.1 in Second Appeal No.CIC/SECFL/A/2019/ 600832.*
>
> *10.3 Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.*
>
> *10.4 Cost of the petition.*"

8. In WPC No.65/2021, the petitioner has prayed for following reliefs :-

> *"10.1 This Hon'ble Court may kindly be pleased to call for the entire record from the respondents pertaining to issuance of the order dated 28.09.2020 (ANNEXURE P-1) passed by respondent No. 1 in Second Appeal No. CIC/SECFL/A/2019/600834.*
>
> *10.2 This Hon'ble Court may kindly be pleased*

to issue an appropriate writ quashing and setting aside the order dated 28.09.2020 (ANNEXURE P-1) passed by respondent No. 1 in Second Appeal No. CIC/SECFL/A/2019/ 600834.

10.3 Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

10.4 Cost of the petition."

9. In WPC No.862/2021, the petitioner has prayed for following reliefs :-

"10.1 This Hon'ble Court may kindly be pleased to call for the entire record from the respondents pertaining to issuance of the order dated 25.09.2020 (ANNEXURE P-1) passed by respondent No. 1 in Second Appeal No. CIC/SECFL/A/2019/600373.

10.2 This Hon'ble Court may kindly be pleased to issue an appropriate writ quashing and setting aside the order dated 25.09.2020 (ANNEXURE P-1) passed by respondent No.1 in Second Appeal No. CIC/SECFL/A/2019/ 600373.

10.3 Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

10.4 Cost of the petition."

10. Brief facts of the cases, are that the petitioner is an educational institution, namely a DAV School, which is run and managed by the Dayanand Anglo Vedic College Trust & Management Society, a society duly registered under the provisions of the Societies Registration Act, 1860 (for short, 'Act of 1860'). The petitioner institution is engaged in imparting education and functions as a purely private, self-financed body. It is administered and governed by the DAV College Managing Committee, New Delhi, strictly in accordance with its registered bye-laws and the terms of affiliation granted by the Central Board of Secondary Education (for short, 'CBSE'), New Delhi. The petitioner does not, in any manner, fall within the ambit of "State" or "other authority" as contemplated under Article 12 of the Constitution of India, nor does it bear any element of governmental control, ownership, or substantial financial assistance so as to attract the provisions of the Right to Information Act, 2005 (for short, 'RTI Act').

11. It is submitted that the DAV Society runs several schools across the country, and in furtherance of its educational objectives, the petitioner school was established at Korba. The school is directly controlled and supervised by the DAV College Managing Committee, New Delhi. Although South Eastern Coalfields Limited (for short, 'SECL') entered into a Memorandum of Understanding (for short, 'MoU') with the petitioner institution, whereby SECL undertook to compensate the deficit arising from concessional fees charged to wards of its employees, such arrangement is

purely contractual and financial in nature. The petitioner remains an independent entity, and such financial arrangement does not, in any way, render the petitioner as being owned, controlled, or substantially financed by SECL or any government authority. The petitioner is neither a wing of SECL nor subject to its administrative control.

12. The genesis of the present dispute lies in the fact that the wife of respondent No. 3 was appointed on an ad hoc basis in the petitioner school and was subsequently discontinued from service. Aggrieved by such discontinuation, respondent No. 3 initiated a series of applications under the RTI Act before the Central Public Information Officer (for short, 'CPIO'), SECL, Korba. Although the applications were formally addressed to the CPIO of SECL, the nature of information sought therein pertained exclusively to the internal administration, service matters, and functioning of the petitioner school, which is a private institution not covered under the RTI Act.

13. It is pertinent to submit that respondent No. 3 was fully aware that the petitioner institution is not a "public authority" within the meaning of Section 2(h) of the RTI Act, and therefore, the provisions of the said Act were not applicable to it. Despite such knowledge, the RTI applications were deliberately filed before the CPIO, SECL, seeking information relating to the petitioner. Acting beyond his jurisdiction, the CPIO, SECL, mechanically forwarded

the said applications to the petitioner school, despite being aware that the petitioner is not a public authority and does not have a designated Public Information Officer.

14. Upon receipt of such communications, the petitioner promptly responded vide letter dated 26.10.2018, categorically informing the CPIO, SECL, that the petitioner school is not governed by the provisions of the RTI Act. However, the CPIO persisted in demanding the information. The petitioner, therefore, reiterated its stand through a detailed reply dated 31.10.2018, supported by various judicial precedents, wherein it has been held that DAV institutions are not “public authorities” as they are neither owned nor substantially financed by the government.

15. Ignoring the settled legal position and the replies submitted by the petitioner, the First Appellate Authority, SECL, vide order dated 03.12.2018, erroneously held the petitioner to be a public authority and directed it to furnish the information sought by respondent No. 3. The said order was passed without jurisdiction, as the petitioner was neither a party to the proceedings nor subject to the appellate authority’s domain. The order is manifestly arbitrary and contrary to the statutory scheme of the RTI Act. The petitioner, therefore, submitted a representation dated 29.12.2018 seeking modification of the said order.

16. Without prejudice and in order to avoid unnecessary controversy, the petitioner, vide letter dated 23.02.2019, furnished the available

information to the Assistant Manager (Personnel), SECL, Korba. Thereafter, no communication was received for a considerable period, until the petitioner was suddenly intimated about proceedings before respondent No. 1. The petitioner, though not formally impleaded or served with any notice, submitted a reply dated 28.07.2020. Despite the fact that the information had already been furnished, the CPIO, SECL, incorrectly reported that the petitioner had failed to provide the information.

17. Subsequently, respondent No. 1 proceeded to adjudicate the matter and, without issuing proper notice or affording adequate opportunity of hearing, treated the Principal of the petitioner school as a “deemed Public Information Officer” and vide order dated 28.09.2020 imposed a penalty of Rs.5,000/-. The petitioner, respecting the authority of respondent No. 1, appeared through video conferencing; however, the impugned order was passed in a mechanical and arbitrary manner, without due consideration of the legal position and factual matrix.

18. The impugned order dated 28.09.2020 is ex facie illegal, perverse, and without jurisdiction. The RTI Act is applicable only to “public authorities” as defined under Section 2(h) of the RTI Act, which includes bodies owned, controlled, or substantially financed by the government. The petitioner institution, being a private, self-financed educational society, does not satisfy any of the criteria laid down under the Act. There is no Governmental control over its

management or functioning, nor does it receive substantial financial assistance from the government.

19. Further, the action of respondent No. 1 in treating the Principal of the petitioner school as a “deemed Public Information Officer” is wholly unsustainable in law. Under Section 5 of the Act, a Public Information Officer must be an officer of the public authority. The deeming fiction under Sections 5(4) and 5(5) of the RTI Act applies only to officers subordinate to the public authority. In the present case, the petitioner’s Principal is neither an employee nor subordinate to SECL and, therefore, cannot be brought within the ambit of a deemed Public Information Officer (for short, ‘PIO’). The entire exercise undertaken by respondent No. 1 is thus beyond jurisdiction and contrary to the statutory framework.

20. In view of the aforesaid facts and circumstances, it is evident that the impugned order has been passed in complete disregard of the provisions of law, settled judicial precedents, and principles of natural justice. The same is arbitrary, unreasonable, and liable to be set aside by this Court. Hence, the present writ petitions.

21. Mr. Yashkaran Singh, Advocate, holding brief of Mr. Amrito Das, learned counsel for the petitioner–DAV School, would most respectfully and elaborately submits that the petitioner institution is a purely private, unaided educational institution, established, run, and managed by the Dayanand Anglo Vedic College Trust & Management Society, which is a society duly registered under the

provisions of the Act of 1860 since the year 1948. The said Society is an independent legal entity having its own constitution, objects, and governing framework, and is engaged in the field of education on a non-profit basis. The petitioner school is one of the institutions established by the said Society in furtherance of its educational objectives, and its entire administration, supervision, and management vest exclusively with the DAV College Managing Committee, New Delhi, which operates strictly in accordance with its registered bye-laws, rules, and regulations. The functioning of the petitioner institution is, therefore, entirely autonomous, guided by its internal governance structure, and subject only to general regulatory compliances applicable to educational institutions, such as affiliation norms prescribed by the Central Board of Secondary Education.

22. It is further submitted that the petitioner institution is self-financed and maintains its own independent financial corpus. It generates its funds through legitimate sources such as fees and other permissible receipts, and its financial affairs are neither controlled nor substantially supported by the Government or any governmental agency. There is no budgetary allocation, grant-in-aid, or financial assistance extended by the State so as to render the petitioner institution financially dependent upon the Government. The mere existence of any incidental or contractual financial arrangement with any public sector undertaking, for a limited and specific purpose, does not alter the essential character

of the petitioner as a private, unaided body, nor does it clothe the Government with any authority to control its affairs.

23. It is emphatically submitted that the petitioner does not satisfy any of the well-settled tests or indicia required to bring an entity within the ambit of “State” or “other authority” as envisaged under Article 12 of the Constitution of India. The constitutional jurisprudence on the subject has consistently held that in order to qualify as “State”, a body must be shown to be financially, functionally, and administratively dominated by or under the deep and pervasive control of the Government. In the present case, none of these elements are satisfied. There is no governmental shareholding, no administrative control, no power of appointment or removal of staff vested in the Government, and no interference in policy-making or day-to-day functioning of the petitioner institution. The management of the institution is entirely in the hands of the DAV College Managing Committee, and all decisions relating to administration, staffing, finances, and academic matters are taken independently in accordance with its bye-laws.

24. It is further submitted that the petitioner institution is not created by any statute, nor does it discharge any statutory obligations on behalf of the State. It is a creature of a private society and derives its authority solely from its own governing documents. The regulatory oversight exercised by statutory bodies such as educational boards or authorities is merely supervisory and does

not amount to control in the constitutional sense required under Article 12 of the Constitution of India. Such regulation is general in nature and applies uniformly to all similarly situated institutions; it does not confer any element of governmental ownership or dominance over the petitioner.

25. It is also pertinent to submit that there is no “deep and pervasive control” of the Government over the functioning of the petitioner institution. The expression “deep and pervasive control” connotes a degree of control that is all-encompassing, continuous, and substantial, affecting the core decision-making processes of the institution. In the present case, there is a complete absence of any such control. The Government or any of its instrumentalities neither participates in the management of the petitioner institution nor exercises any supervisory authority over its internal affairs. The petitioner is free to frame its policies, manage its staff, regulate its finances, and conduct its operations without any governmental interference.

26. It is unequivocally submitted that the petitioner institution is a private, autonomous body, operating independently of any governmental control or influence. It does not possess any of the characteristics that would bring it within the ambit of “State” under Article 12 of the Constitution of India. Consequently, the petitioner cannot be subjected to constitutional obligations or liabilities which are applicable exclusively to the State or its instrumentalities.

27. It is further submitted that merely because the petitioner institution is engaged in imparting education, which may be considered a public function, the same would not ipso facto bring the petitioner within the fold of Article 12 of the Constitution of India. In this regard, reliance is placed upon the authoritative pronouncement of the Hon'ble Supreme Court in ***Zee Telefilms Ltd. & Anr. vs. Union of India & Ors., (2005) 4 SCC 649***, wherein it has been categorically held that the test for determining whether a body is "State" under Article 12 is the existence of deep and pervasive governmental control and not merely the discharge of a public function. Similarly, in ***Pradeep Kumar Biswas vs. Indian Institute of Chemical Biology, (2002) 5 SCC 111***, the Constitution Bench has laid down that the real test is whether the body is financially, functionally, and administratively dominated by or under the control of the Government.

28. Applying the aforesaid settled principles to the facts of the present case, it is submitted that the petitioner institution is neither financially nor administratively controlled by the Government or by SECL. The role of SECL is confined merely to compensating the deficit arising out of concessional fees charged to the wards of its employees under a MoU. Such an arrangement, at best, is contractual and financial in nature and does not amount to "substantial financing" or confer any element of control. The petitioner institution continues to generate its own funds, maintain its own corpus, and independently administer its affairs without

any interference from SECL or any governmental agency. In this context, learned counsel has placed strong reliance upon the judgments rendered by this Court in ***T. Vishnu vs. South Eastern Coalfields Limited & Others (WA No. 459 of 2024)*** and ***T. Vishnu vs. South Eastern Coalfields Limited & Others (WPS No. 404 of 2024)***, wherein it has been categorically held that DAV institutions are private, unaided bodies run by a registered society and are not subject to any administrative or financial control of SECL or the Government. It has been further held that mere presence of representatives of SECL in the Local Managing Committee does not render the institution a "State" nor does it create any employer-employee relationship with SECL. The said judgments squarely apply to the facts of the present case and conclusively negate the contention that the petitioner falls within the ambit of Article 12 of the Constitution of India.

29. Reliance is also placed upon the decision of this Court in ***Bhuvneshwari Jaiswal vs. The Director (PS-III), DAV College Managing Committee & Others (WPS No. 3592 of 2015)***, wherein it has been held that even though DAV institutions perform a public duty by imparting education, disputes relating to service matters do not involve any public law element so as to attract writ jurisdiction. Thus, it is well settled that the petitioner institution cannot be treated as "State" merely on account of its educational activities.

30. Without prejudice to the above submissions, it is further contended that the petitioner does not fall within the definition of "public authority" under Section 2(h) of the RTI Act. The scope and ambit of Section 2(h) of the RTI Act have been exhaustively interpreted by the Hon'ble Supreme Court in ***Thalappalam Service Cooperative Bank Ltd. & Others vs. State of Kerala & Others, (2013) 16 SCC 82***, wherein it has been held that the expression "substantially financed" would mean such degree of funding that the body is practically dependent upon the Government for its existence. It has been further clarified that mere grants, subsidies, exemptions, or other forms of financial assistance would not amount to substantial financing unless the institution is overwhelmingly funded by the Government.

31. In light of the aforesaid authoritative pronouncement, it is submitted that the petitioner institution does not receive any such substantial financial assistance from the Government or SECL. The deficit payment arrangement under the MoU cannot, by any stretch of imagination, be construed as "substantial financing" so as to bring the petitioner within the purview of Section 2(h) of the RTI Act. The petitioner is entirely self-financed, maintains its independent financial structure, and is not dependent upon any governmental funding for its survival.

32. Learned counsel has further placed reliance upon the judgment of the Hon'ble Supreme Court in ***Federal Bank Ltd. vs. Sagar***

Thomas & Others, (2003) 10 SCC 733, wherein it has been held that a private body, even if performing a public function, would not be amenable to writ jurisdiction unless it is shown to be an instrumentality or agency of the State. Similarly, in ***K.K. Saksena vs. International Commission on Irrigation and Drainage, (2015) 4 SCC 670***, it has been reiterated that writ jurisdiction cannot be invoked against a private body unless it discharges a public duty of a statutory nature.

33. It is, therefore, submitted that the petitioner institution neither satisfies the tests laid down under Article 12 of the Constitution nor falls within the definition of "public authority" under Section 2(h) of the RTI Act. Consequently, the provisions of the RTI Act are wholly inapplicable to the petitioner, and any direction issued by respondent No. 1 treating the petitioner as a "deemed Public Information Officer" is ex facie illegal, without jurisdiction, and contrary to the settled principles of law.

34. In view of the aforesaid detailed submissions and the binding precedents of the Hon'ble Supreme Court as also this Court, it is humbly prayed that the impugned orders deserve to be set aside, as the petitioner institution cannot be compelled to discharge obligations under a statute which is not applicable to it.

35. Mr. Atul Kumar Kesharwani, learned counsel appearing for the answering respondent–SECL most respectfully submits that in compliance with the directions issued by this Court, the present

reply has been filed on behalf of the answering respondent. The answering respondent is presently posted as Manager (Personnel) at Korba Area of SECL and, in addition thereto, has been entrusted with the responsibilities of the CPIO for matters pertaining to Korba Area. The answering respondent is, therefore, competent and duly authorized to place the present submissions before this Court. It is further submitted that the instant writ petitions have been preferred by the petitioner institution assailing the legality, validity, and propriety of the order dated 28.09.2020 passed by respondent No. 1, whereby the petitioner institution has been treated as a “deemed public authority” for the purposes of furnishing information under the provisions of the RTI Act. He submits that the core and central issue which arises for consideration before this Court in the present batch of petitions is as to whether the petitioner–DAV Public School falls within the ambit of “public authority” as defined under Section 2(h) of the RTI Act.

36. Learned counsel further submits that although respondent No. 1, while passing the impugned order, has proceeded on the premise that the petitioner institution is substantially financed by SECL, which is an instrumentality of the State, and therefore falls within the ambit of Section 2(h) of the RTI Act, the said finding, upon a closer scrutiny of the factual and legal position, does not appear to be sustainable. It is candidly submitted that the petitioner institution is run and managed by the Dayanand Anglo Vedic

College Trust & Management Society, a society duly registered under the provisions of the Act of 1860, and the said institution functions strictly in accordance with the rules, regulations, and bye-laws framed by the said Society.

37. It is emphatically submitted that the petitioner institution is not under the administrative, financial, or functional control of SECL in any manner whatsoever. The role of SECL, if any, is limited and circumscribed to a specific financial arrangement entered into between the parties, whereby SECL undertakes to compensate the deficit amount arising out of concessional fees charged by the petitioner school to the wards of SECL employees. Such an arrangement is purely contractual in nature and cannot, by any stretch of imagination, be construed as “substantial financing” so as to bring the petitioner institution within the fold of a “public authority” under Section 2(h) of the RTI Act. It is a settled proposition of law that in order to bring a private institution within the purview of the RTI Act, it must be demonstrated that such institution is either owned, controlled, or substantially financed by the appropriate Government or by any body owned or controlled by the Government. In the present case, it is an admitted position that except for the reimbursement of deficit arising from concessional education provided to the wards of SECL employees, no financial assistance, grant-in-aid, or budgetary support is extended by SECL to the petitioner institution. The said reimbursement cannot be equated with “substantial financing”, as

it neither forms the core financial backbone of the institution nor renders the institution dependent upon SECL for its existence or functioning.

38. Learned counsel further submits that, at times, SECL may extend certain ex gratia contributions or provide limited financial assistance towards infrastructure maintenance or organization of certain events and functions. However, such contributions are occasional and discretionary in nature and cannot be treated as funding of such magnitude as to confer any element of control or dominance over the petitioner institution. Similarly, the presence of certain representatives of SECL in the Local Managing Committee (for short, 'LMC') of the school is merely facilitative and advisory in nature and does not translate into any administrative control or decision-making authority over the functioning of the institution. It is also submitted that the arrangement for imparting subsidized education to the wards of employees of public sector undertakings is not unique to SECL alone. The DAV College Managing Committee, New Delhi, has entered into similar arrangements with various other organizations across the country. Such arrangements are part of the broader educational outreach of the DAV Society and do not alter the essential private character of the institution. Therefore, merely because SECL has entered into such an arrangement with the petitioner institution, it cannot be inferred that the petitioner is either controlled or substantially financed by SECL.

39. Learned counsel candidly submits that the answering respondent, in the initial stages, had addressed communications to the petitioner institution calling upon it to furnish the information sought under the RTI Act. However, upon a proper appreciation of the legal position and the status of the petitioner institution, it is now respectfully submitted that such communications may kindly be treated as having been issued under a mistaken understanding of law and are liable to be withdrawn. It is now the considered stand of the answering respondent that the petitioner institution, being a private unaided body managed by an independent society, does not fall within the ambit of “public authority” as defined under Section 2(h) of the RTI Act.

40. In view of the aforesaid submissions, it is most respectfully submitted that the impugned order passed by respondent No. 1, in so far as it treats the petitioner institution as a “public authority” and directs it to furnish information under the RTI Act, is legally unsustainable and contrary to the settled principles governing the scope of Section 2(h) of the RIT Act. The respondent-SECL therefore, supports the case of the petitioner to the extent that the petitioner institution cannot be compelled to discharge obligations under the RTI Act. Accordingly, it is humbly prayed that this Court may be pleased to allow the present writ petitions and set aside the impugned orders dated 28.09.2020 and 25.09.2020 passed by respondent No.1, in the interest of justice.

41. Mr. Pratik Modi, learned counsel holding brief of Mr. Shalvik Tiwari, learned counsel appearing on behalf of respondent No. 3 in WPC No.862/2021, most respectfully and elaborately submits the present writ petitions have been filed by the petitioner institution primarily on the premise that it is a private, unaided educational institution and, therefore, does not fall within the ambit of “public authority” as defined under Section 2(h) of the RTI Act, and consequently is not amenable to the obligations cast under the said Act. The entire edifice of the petitioner’s case rests upon the assertion that it neither receives financial assistance from the State nor is it controlled by any governmental authority. It is respectfully submitted that such a stand taken by the petitioner is wholly misconceived, factually incorrect, and legally unsustainable in view of the material placed on record. He submits that the issue as to whether institutions run by the DAV College Trust & Management Society fall within the ambit of “public authority” is no longer res integra and stands conclusively settled by the authoritative pronouncement of the Hon’ble Supreme Court in ***D.A.V. College Trust and Management Society and others v. Director of Public Instructions and others, (2019) 9 SCC 185.*** The Hon’ble Supreme Court, while dealing with similarly situated DAV institutions, has categorically held that where such institutions receive substantial financial assistance from the Government, they would squarely fall within the definition of “public authority” under Section 2(h) of the RTI Act. The Apex

Court, upon examining the financial structure of the institutions in question, recorded a categorical finding that grants constituting approximately 40% to 45% of the total expenditure, and covering a substantial portion of staff expenses, would amount to “substantial financing” within the meaning of the Act. It was thus held that such institutions are amenable to the provisions of the RTI Act.

42. Placing heavy reliance upon the aforesaid judgment, learned counsel submits that the petitioner cannot be permitted to take a blanket plea of being a private unaided institution so as to escape statutory obligations. The test is not merely whether the institution is privately managed, but whether it is substantially financed, directly or indirectly, by the State or an instrumentality thereof. In the present case, the materials on record clearly demonstrate that the petitioner institution satisfies the said test.

43. It is further submitted that the petitioner’s assertion that neither the DAV School, Korba, nor its managing society receives any financial assistance from SECL is patently false and misleading. The MoU dated 27.03.2006 entered into between the DAV College Trust & Management Society and SECL, Korba, clearly establishes that the petitioner school is a “sponsored school” of SECL. The said MoU explicitly provides for various forms of support and involvement of SECL in the functioning of the school. Notably, it stipulates that the Chairman of the LMC shall be from

SECL, Korba, thereby indicating a significant degree of administrative participation and oversight by SECL in the affairs of the institution.

44. Learned counsel further submits that the composition of the Local Managing Committee itself demonstrates the extent of SECL's involvement in the governance of the petitioner institution. As per the records placed on file, including the list dated 05.03.2020, the General Manager of SECL, Korba, was functioning as the Chairman of the LMC. Such a position is not merely ornamental but carries with it substantial influence in decision-making processes relating to the administration of the school. This clearly establishes that SECL exercises a degree of control and supervision over the petitioner institution, which cannot be brushed aside by the petitioner as insignificant. It is also submitted that SECL provides financial assistance to the petitioner institution in multiple forms. Apart from bearing the deficit arising out of concessional education provided to the wards of its employees, SECL extends grants and financial support for the functioning of the school. The account statements for the relevant years, placed on record, demonstrate that the petitioner institution has been the recipient of financial contributions from SECL. Such contributions, when viewed cumulatively along with other forms of support, clearly amount to "substantial financing" within the meaning of Section 2(h) of the RTI Act.

45. Learned counsel further submits that the support extended by SECL is not limited to direct financial contributions. The petitioner institution also derives significant indirect benefits from SECL, including provision of land for establishment of the school, as well as extension of facilities such as health and housing benefits to the staff of the institution. The allotment of land itself constitutes a valuable and substantial contribution, which has enabled the establishment and continued functioning of the school. These factors, when considered holistically, leave no manner of doubt that the petitioner institution is deeply intertwined with SECL in terms of financial and infrastructural support. It is thus submitted that the petitioner institution cannot be permitted to selectively rely upon its private character while ignoring the substantial support and involvement of SECL. The cumulative effect of financial assistance, infrastructural support, administrative participation, and other benefits extended by SECL clearly brings the petitioner within the fold of “public authority” as contemplated under Section 2(h) of the RTI Act.

46. In view of the aforesaid, it is respectfully submitted that the impugned order passed by respondent No. 1 does not suffer from any illegality or infirmity warranting interference by this Court. On the contrary, the said order is in consonance with the settled legal position and is based on a proper appreciation of the material on record. The petitioner’s attempt to evade its statutory obligations under the RTI Act is wholly unjustified and deserves to be

rejected. Accordingly, it is humbly prayed that this Court may be pleased to dismiss the present writ petitions as being devoid of merit and uphold the impugned orders, in the interest of justice.

47. I have heard learned counsel for the respective parties at considerable length and have bestowed my thoughtful consideration to the rival submissions advanced across the Bar. I have also carefully perused the pleadings filed in all the connected writ petitions, the annexures appended thereto, the original records made available by the learned State counsel and the statutory provisions and notifications governing the field.

48. From a careful perusal of the record of the present batch of writ petitions, it transpires that the controversy involved in all these matters lies in a narrow compass, though it has been sought to be projected by the parties with considerable elaboration on facts as well as law. The foundational facts are largely undisputed and reveal that the petitioner institution is a DAV School established at Korba and run by the Dayanand Anglo Vedic College Trust & Management Society through its DAV College Managing Committee, New Delhi. The institution has entered into MoU with SECL, whereby certain financial arrangements have been made, primarily in the nature of reimbursement of deficit arising out of concessional education provided to wards of SECL employees.

49. It further transpires from the record that the genesis of the dispute is traceable to an RTI application submitted by respondent No. 3

before the CPIO, SECL, seeking information relating to the internal administration and service matters of the petitioner school. The said application, though addressed to SECL, pertained to information held by the petitioner institution. Acting thereupon, the CPIO, SECL, forwarded the application to the petitioner, calling upon it to furnish the information sought, notwithstanding the petitioner's consistent stand that it is not a "public authority" within the meaning of Section 2(h) of the RTI Act and, therefore, not amenable to its provisions.

50. The record further reveals that despite categorical replies submitted by the petitioner disclaiming applicability of the RTI Act, the First Appellate Authority under SECL proceeded to pass an order directing the petitioner to furnish the information. Thereafter, in second appeal proceedings, respondent No. 1, while adjudicating the matter, proceeded to treat the petitioner institution as a "public authority" and further deemed the Principal of the petitioner school to be a "Public Information Officer", culminating in the passing of the impugned orders dated 28.09.2020 and 25.09.2020, whereby penalty has also been imposed.

51. It also emerges from the record that the principal issue which falls for consideration is whether, in the facts and circumstances of the case, the petitioner institution can be said to fall within the ambit of "public authority" as defined under Section 2(h) of the RTI Act, particularly on the ground of alleged substantial financing and

control by SECL. The rival parties have advanced elaborate submissions on this aspect, placing reliance on the terms of the MoU, the extent of financial assistance, the composition of the Local Managing Committee, and the nature of benefits extended by SECL to the petitioner institution.

52. Thus, from an overall conspectus of the material available on record, it becomes evident that the adjudication of the present batch of writ petitions hinges upon the determination of the nature and extent of financial, functional, and administrative relationship between the petitioner institution and SECL, and whether such relationship satisfies the statutory tests so as to bring the petitioner within the fold of a "public authority" under the RTI Act.

53. It would be apposite, at this stage, to refer to the relevant statutory provisions governing the field. Section 2(h) of the Right to Information Act, 2005, which defines the term "public authority", reads as under:

> *"2(h) 'public authority' means any authority or body or institution of self-government established or constituted—*
>
> *(a) by or under the Constitution;*
>
> *(b) by any other law made by Parliament;*
>
> *(c) by any other law made by State Legislature;*
>
> *(d) by notification issued or order made by the appropriate Government, and includes*

any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government."

54. A plain reading of the aforesaid provision makes it abundantly clear that a body or institution would fall within the ambit of "public authority" not only if it is created by the Constitution or by statute, but also if it is owned, controlled, or substantially financed, directly or indirectly, by the appropriate Government. Thus, the determinative factors for bringing an institution within the fold of the Act are ownership, control, or substantial financing by the State or its instrumentalities.

55. It is also relevant to take note of Section 5 of the Right to Information Act, 2005, which deals with the designation of Public Information Officers. The said provision reads as under:

*"**5. Designation of Public Information Officers-**(1) Every public authority shall within me hundred days of the enactment of this Act, designate as many officers as Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the*

information under this Act.

(2) Without prejudice to the provisions of sub-section (1), every public authority shall designate an officer, within one hundred days of the enactment of this Act, at each sub-divisional level or other sub-district level as a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, to receive the applications for information or appeals under this Act for forwarding the same forthwith to the Central Public Information Officer or the State Public Information Officer or senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be:

Provided that where an application for information or appeal is given to a Central Assistant Public Information Officer or a State Assistant Public Information Officer, as the case may be, a period of five days shall be added in computing the period for response specified under sub-section (1) of section 7.

(3) Every Central Public Information Officer or State Public Information Officer, as the case may be, shall deal with requests from persons seeking information and render reasonable assistance to the persons

seeking such information.

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be."

56. From a conjoint reading of Sections 2(h) and 5 of the RTI Act, it is manifest that the obligation to furnish information under the Act arises only in respect of a "public authority", and the mechanism of designation of a Public Information Officer or even the deeming fiction under Section 5(4) and 5(5) of the RTI Act operates strictly within the framework of such public authority. Therefore, unless an institution is first shown to fall within the definition of "public authority" under Section 2(h) of the RTI Act, the provisions relating to furnishing of information and the consequences flowing therefrom cannot be invoked against it.

57. Thus, the applicability of the RTI Act to the petitioner institution hinges primarily upon whether it satisfies the statutory requirements of being a “public authority” within the meaning of Section 2(h) of the RTI Act, and only upon such determination can the further provisions of the Act be pressed into service.

58. In ***T. Vishnu*** (supra), the Hon’ble Division Bench of this Court, while examining the status of DAV institutions vis-à-vis SECL and the question of their amenability to writ jurisdiction, has authoritatively held as under:—

> *“13. From perusal of the impugned order and the materials available on record it transpires that the DAV Schools operative all over in India and are managed under the administrative control of DAV College Managing Committee, New Dehli which is a private, unaided educational institution run-on non-profit basis by DAV College Managing Committee, New Delhi and registered under the Societies Registration Act. The petitioner has not disputed that the DAV College Managing Committee, New Delhi is not getting any financial aid either from the Government or SECL to run the school and there is no administrative and financial control of the Government or SECL over the affairs of the DAV. It was also not disputed that the DAV College Managing Committee, New Delhi and the School have their own corpus and generate their own funds for running and*

administering the institute and no financial assistance is given by SECL to DAV Institutions for running, administering, or controlling the concerned school or for payment of salary to the staff and teachers and providing some financial assistance for maintaining infrastructure or for activity and also on the count that some representatives of SECL are member of the LMC, which does not grant status to the petitioner as an employee of the SECL for maintaining the writ petition of this Court……"

59. The aforesaid enunciation of law by the Hon'ble Division Bench clearly underscores that DAV institutions, being private, unaided bodies with independent financial and administrative structures, cannot be said to be under the control or dominion of SECL or the Government merely on account of limited association or representation in their management.

60. Further in ***T. Vishnu*** (supra), the Co-ordinate Bench of this Court, while dealing with the issue relating to the maintainability of a writ petition against a DAV institution and the extent of control, if any, exercised by SECL over such institutions, has held as under:-

"15. From the submissions made by the parties, pleadings made by them, it is quite vivid that the DAV Schools operative all over in India and are managed under the administrative control of DAV College Managing Committee, New Delhi which is s

private, unaided educational institution run-on non-profit basis by DAV College Managing Committee, New Delhi and registered under the Societies Registration Act. The petitioner has not disputed that the DAV College Managing Committee, New Delhi is not getting any financial aid either from the Government or SECL to run the school and there is no administrative and financial control of the Government or SECL over the affairs of the DAV. It is also not disputed that the DAV College Managing Committee, New Delhi and the School have their own corpus and generate their own funds for running and administering the institute and no financial assistance is given by SECL to DAV Institutions for running. administering, or controlling the concerned school or for payment of salary to the staff and teachers and providing some financial assistance for maintaining infrastructure or for activity and also on the count that some representatives of SECL are member of the LMC, which does not grant status to the petitioner as an employee of the SECL for maintaining the writ petition of this Court. Even the petitioner has not filed any document to demonstrate that he was employed by the SECL in the school run and managed by DAV Society.

18. Accordingly, Point No. 2 is answered against the petitioner and it is held that the writ petition under Article 226 of the

Constitution of India filed by employee of the educational society, is not maintainable before this Court….."

61. Also, in ***Bhuvneshwari Jaiswal*** (supra), the Co-ordinate Bench of this Court has observed as under:-

"11. The present is a case where the employee has been transferred from one school to another school of DAV Society. It is not the case of the petitioner that any of her statutory right has been infringed or violated by the impugned order. Merely because DAV School performs public duty while being engaged in imparting education to the students, the issue brought before the Court does not become an issue involving public law element..."

62. Lastly, in ***Thalappalam Service Cooperative Bank Ltd.*** (supra), the Hon'ble Supreme Court, while elaborately interpreting the scope and ambit of Section 2(h) of the RTI Act, has conclusively settled the legal position with regard to what constitutes "substantial financing", particularly in the context of private bodies and educational institutions receiving limited or deficit-based assistance. The Court has authoritatively held as under:—

"48. Merely providing subsidiaries, grants, exemptions, privileges etc., as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which

> *practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from NABARD etc., but those facilities or assistance cannot be termed as "substantially financed" by the State Government to bring the body within the fold of "public authority" under Section 2(h)(d)(i) of the Act. But, there are instances, where private educational institutions getting ninety five per cent grant-in-aid from the appropriate government, may answer the definition of public authority under Section 2(h)(d)(i)....”*

63. Reverting to the facts of the present batch of writ petitions in the light of the aforesaid judicial precedents, it becomes abundantly clear and quite vivid that the petitioner–DAV School is an educational institution established and run by the Dayanand Anglo Vedic College Trust & Management Society, a registered society, and is administered in accordance with the policies, rules, and bye-laws framed by the DAV College Managing Committee, New Delhi. The entire administrative edifice of the institution is structured upon its own independent governing framework, which regulates appointments, service conditions, financial management, and academic functioning. The material placed on record unmistakably demonstrates that the petitioner institution is a private, unaided body, having its own distinct legal identity,

independent sources of income, and autonomous decision-making processes. The control, supervision, and day-to-day management of the institution vest exclusively with the DAV College Managing Committee, and there is no material to indicate that any governmental authority or instrumentality, including SECL, exercises any statutory, administrative, or functional control over the affairs of the institution so as to dilute its private character.

64. Insofar as the role of SECL is concerned, the same is limited in its scope and clearly traceable to a contractual arrangement embodied in a MoU executed between the parties. A careful reading of the said arrangement would reveal that SECL has undertaken only to reimburse the financial deficit arising on account of concessional fees charged by the school to the wards of its employees. Such an arrangement is essentially compensatory in nature, intended to facilitate access to education for a specific class of beneficiaries, and cannot be equated with “funding” in the legal sense contemplated under Section 2(h) of the RTI Act. The reimbursement mechanism neither constitutes a regular grant-in-aid nor reflects any obligation on the part of SECL to finance the institution as a whole. Even assuming that certain ancillary facilities, such as provision of land, infrastructural support, or occasional financial assistance, have been extended by SECL, the same would, at best, amount to limited facilitation and cannot, by any stretch of interpretation, be construed as

"substantial financing" so as to render the institution dependent upon SECL for its sustenance or functioning.

65. The contention of the respondents that the presence of certain officials of SECL in the Local Managing Committee of the petitioner institution amounts to control is also found to be devoid of merit. The participation of such officials appears to be merely facilitative, advisory, or supervisory in a limited sense, primarily to ensure coordination in respect of the beneficiaries for whom the arrangement exists. Such representation, by itself, does not confer any overriding authority or decision-making power upon SECL.

66. The ultimate control over policy formulation, administration, financial decisions, and institutional governance continues to remain vested with the DAV College Managing Committee. There is nothing on record to indicate that SECL exercises any deep, pervasive, or dominant control over the internal functioning of the institution. The mere presence of nominees in a committee, without corresponding authority to dictate or control decisions, cannot be elevated to the level of "control" as contemplated under Section 2(h) of the RTI Act.

67. In the backdrop of the authoritative pronouncement of the Hon'ble Supreme Court in ***Thalappalam Service Cooperative Bank Ltd.*** (supra), the expression "substantially financed" has been interpreted to mean such degree of financial support which

renders the body practically dependent upon such funding for its very existence and continued operation.

68. Applying the said test to the facts of the present cases, it is evident that the petitioner institution generates its own resources through fees and other permissible means, maintains its own accounts, and operates an independent financial corpus. The assistance received from SECL, being in the nature of reimbursement of deficit and not a primary source of funding, is neither regular in character nor of such magnitude as to establish financial dependence. Therefore, the essential ingredient of “substantial financing” remains wholly unfulfilled in the present case.

69. Likewise, the other limbs of the definition of “public authority”, namely ownership and control, also remain unsatisfied. The petitioner institution is admittedly not owned by the Government or by SECL. There is no material to suggest that the Government or SECL has any proprietary interest in the assets or management of the institution. Furthermore, the element of “control”, as judicially interpreted to mean deep and pervasive control over policy decisions and day-to-day functioning, is conspicuously absent. The regulatory supervision exercised by statutory educational authorities, which is applicable to all educational institutions alike, cannot be construed as “control” within the meaning of Section 2(h) of the RTI Act. Similarly, contractual obligations arising out of

a MoU do not translate into statutory or administrative control so as to alter the essential character of a private institution.

70. Thus, upon a comprehensive, cumulative, and holistic consideration of the entire factual matrix, the documentary material brought on record, and the settled legal principles governing the field, this Court arrives at a firm, definitive, and well-reasoned conclusion that the petitioner institution does not fall within the ambit of a “public authority” as defined under Section 2(h) of the RTI Act. The statutory ingredients necessary to attract the said definition, namely ownership, control, or substantial financing by the appropriate Government or its instrumentality are conspicuously absent in the present case. The petitioner institution is neither owned by the Government nor by SECL; it is not subject to any deep, pervasive, or all-encompassing control in its policy-making or day-to-day administration; and it is also not substantially financed in a manner that would render it financially dependent upon any governmental body. The financial arrangement with SECL, being limited, compensatory, and situational in nature, falls far short of the threshold of “substantial financing” as judicially interpreted.

71. The cumulative effect of these factors, when viewed in their totality and not in isolation, leads to an inescapable and unequivocal conclusion that the petitioner retains its essential character as a private, unaided institution functioning with

administrative and financial autonomy. Consequently, the provisions of the RTI Act cannot be extended to such an Institution by way of interpretative expansion or inferential reasoning. The assumption of jurisdiction by respondent No.1 in treating the petitioner institution as a “public authority” is, therefore, fundamentally flawed, legally unsustainable, and contrary to both the express statutory scheme and the binding judicial precedents governing the subject.

72. As an inevitable and logical corollary flowing from the aforesaid conclusion, the subsequent action of respondent No.1 in invoking the provisions of Section 5 of the RTI Act and proceeding to treat the Principal of the petitioner institution as a “deemed Public Information Officer” is rendered wholly untenable in law. Section 5 of the RTI Act operates within a clearly defined statutory framework, which presupposes the existence of a “public authority” obligated to designate Public Information Officers under Section 5(1) of the RTI Act. The enabling provisions contained in Sections 5(4) and 5(5) of the RTI Act, which permit a PIO to seek assistance from other officers and treat such officers as “deemed PIOs” for the purposes of liability, are merely ancillary and facilitative in nature. These provisions do not create an independent source of jurisdiction; rather, they are contingent upon and subservient to the foundational requirement that the entity in question must first qualify as a “public authority” under Section 2(h) of the RTI Act.

73. In the present batch of writ petitions, once it is held that the petitioner institution does not answer the description of a "public authority", the entire statutory edifice built upon Section 5 collapses. The deeming fiction embodied in Sections 5(4) and 5(5) of the RTI Act cannot be invoked in a vacuum or extended beyond its legitimate field of operation so as to fasten statutory obligations upon officers of a private body. The Principal of the petitioner institution, therefore, cannot, by any stretch of legal reasoning, be clothed with the status of a Public Information Officer, actual or deemed under the RTI Act. Consequently, the initiation of proceedings against him and the imposition of penalty are wholly without jurisdiction, dehors the provisions of the Act, and in clear violation of the statutory scheme. Such an action, lacking legal foundation, cannot be sustained and is liable to be set aside.

74. In view of the foregoing discussion, this Court has no hesitation in holding that the impugned orders dated 28.09.2020 and 25.09.2020 passed by respondent No.1 suffer from patent illegality, arbitrariness, and lack of jurisdiction.

75. Resultantly, all the writ petitions (WPC Nos.3145/2020, 3365/2020, 65/2021 and 862/2021) are accordingly disposed of. It is, however, made clear that this Court has confined its adjudication to the limited question of applicability of the RTI Act to the petitioner institution. The present order shall not be

construed as an adjudication on the merits of any other dispute, and it shall remain open to respondent No.3 or any other aggrieved person to avail such alternative remedies as may be available to them under the law for redressal of their grievances in an appropriate forum.

76. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
17.04.2026	18.06.2026	------	18.06.2026

Head-Note

A private unaided educational institution, receiving only limited financial assistance or reimbursement of deficit from a public sector undertaking, cannot be regarded as “substantially financed” under Section 2(h) of the Right to Information Act, 2005, in the absence of deep and pervasive control. Consequently, it does not qualify as a “public authority”, and invocation of Section 5 of the Right to Information Act, 2005 treating its Principal as a “deemed Public Information Officer” is without jurisdiction.