

OFFICE OF THE PRINCIPAL REGISTRAR CUM APPELLATE AUTHORITY

HIGH COURT OF MADHYA PRADESH: BENCH INDORE (M.P.)

No.04/PR/RTI/2018/

Indore dt. 19/06/18

Shri Rajeev Jain S/o Shri Minto Jain

VS.

DY. REGISTRAR, H.C. BENCH AT INDORE....STATE PUBLIC INFORMATION OFFICER

**ORDER**

(1) This appeal has been filed by the applicant being aggrieved by the impugned order dated 14/05/2018 passed by Shri Rajesh Sharma, Dy. Registrar-cum-State Public Information Officer, High Court of Madhya Pradesh, Bench at Indore, in ID No. 991, RTI/DR-HCIND/2018.

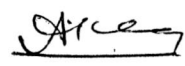
(2) Appellant had filed an application before State Public Information Office, r M.P. High Court, Bench Indore. The appellant sought following information:-

***“Number of cases along with case number filed on the name of undersigned (Rajeev Jain-MP/325/10 from 2011 to 2013.)”***

(3) The SPIO by the impugned Order refused to give the information sought by the appellant on the ground that such information as desired by the appellant/applicant does not exist and cannot be supplied and the SPIO is not supposed to create the information as per desire of the applicant. The authority can neither reshape nor cull the information.

(4) It is submitted by the Appellant that the SPIO has arbitrarily passed the impugned order refusing to give information on flimsy ground by citing reason that:-


(i) Information cannot be supplied under the Act as it does not exist in the desired format as applied and the undersigned is not supposed to create the information as per desired of the applicant.

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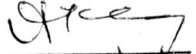
(ii) Required information can be provided by taking printout of the same.

(iii) The information sought by the appellant is very much available on the record of the High Court as per the prevailing High Court Rules it is mandatory to enter and maintained all the entries and documents pertaining to particular class of cases including Vakalatnama submitted by an advocate.

 The Public Information Officer has materially erred in not providing the desired document in utter disregards to the mandate of Right to Information Act.

(5) Record perused. In view of the aforesaid discussion, it is observed that, at that time i.e. (in the year 2011-2013) concerned mechanism was not properly digitized and the desired information was not maintained by the Office of the High Court in the form in which it had been sought under the Act. Therefore, the SPIO is obliged to disclose only such information which exists in the form of material record under the Act, the information which is not "held" cannot be provided. It is the mandate of law that information which is not available on records cannot be disseminated. Reply of SPIO is self-explanatory, point wise and according to rules. Hence, there is no reason to interfere with the impugned order passed by the SPIO.

Therefore, I find no infirmity in the order passed by the Learned SPIO. The appeal is without any substance and therefore, it is dismissed.

  
19/5/18  
(Anil Verma)  
Appellate Authority