

**OFFICE OF THE APPELLATE AUTHORITY, under RTI Act,
HIGH COURT OF MADHYA PRADESH, BENCH INDORE**

RTI Appeal No.-01/2021

MOHD SHAHJAD S/O SHRI MOHD HANEEF APPELLANT

VS.

SHRI RAJESH KUMAR SHARMA, JOINT REGISTRAR (M)/
STATE PUBLIC INFORMATION OFFICER,
HIGH COURT OF M.P. BENCH AT INDORE RESPONDENT

Order

(Delivered on 21 January 2021)

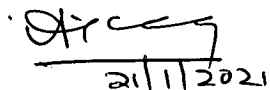
1. This appeal has preferred u/s 19 (1) of the RTI, Act 2005 by the appellant being aggrieved by the facts that he has not been supplied the sought information by his RTI application dated 24/12/2020 which should have been provided by Shri Rajesh Kumar Sharma, Joint Registrar (M)-cum-State Public Information Officer, High Court of Madhya Pradesh, Bench at Indore.

2. The brief facts which lead to file this appeal are as under:-

Mohd Shahjad S/o shri Mohd Haneef had sent a RTI application dated 17/12/2020 through registered post addressed to SPIO, Shri Rajesh Kumar Sharma, Joint Registrar (M)-cum-State Public Information Officer, High Court of Madhya Pradesh, Bench at Indore, requesting therein to provide following information:-

“प्रकरण क्रमांक एम पी 838/2018 “अब्दुल रहमान व अन्य विरुद्ध मेसर्स सार्थक रियल बिल्ट प्रा. लि. वगैरह) प्रकरण की सम्पूर्ण आदेशिकाएँ की सत्य प्रमाणित प्रतिलिपियाँ हिन्दी में देने बाबत।”

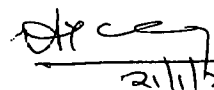
The appellant sought information “Copy of proceedings in case MP No. 838/2018 in the case Abdul Rehman and others Vs. M/S Sarthak Real Built Pvt. Ltd. and others.”


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3. Learned S.P.I.O., after providing opportunity of hearing to the parties came to hold by order dated 24-12-2020 that applicant did not affix his verified photograph on the form 'A' as per rules. As per The High Court of M.P. (Right to Information) Rules 2006, Rule 8, SPIO is not liable to provide any information which can be obtained under the provision of Chapter-XVIII of the High Court of M.P. Rules 2008. Applicant can get such information by paying copying fees in copying section as per rules.

4. Following point of determination were arises:-

1. *Whether the appellant is entitled to get questioned information through RTI ?*
 2. *Whether the order of SPIO is not just & proper.*
5. After perusal of record of Misc. Petition No. 838/2018 (Abdul Rehman and Others Vs. M/s Sarthak Real Built Pvt. Ltd. & Others) it is found that Hon'ble High Court has passed all orders in English language which is official language of High Court as per Article 348 of Constitution of India. Appellant sought information of all order sheets in Hindi language. But, under section 2 (f) of the RTI Act, the information can only be provided as available in the record and there is no provision of translating the information and providing the translated version to the appellant. SPIO is not obliged to translate concerned ordersheets into Hindi and furnish to the appellant.
6. It is pertinent to mention here that such information in the form of proceedings/copy of proceedings of case no. MP 838/2018 (Abdul Rehman and Others. Vs. Ms Sarthak Real Built Pvt. Ltd and Others), Now question arises that such information may be provided to him by SPIO or not ?
7. But rule 8 (1) of the High Court of Madhya Pradesh (Right to Information) Rules, 2006 specially provided that SPIO is not liable to provide any information which can be obtained


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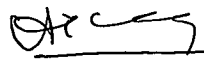
under the provisions of Chapter XVIII of the Madhya Pradesh High Court Rules, 2008.

8. In the case of **Chief Information Commissioner Vs. High Court of Gujrat and Ors. (Civil Appeal No. 1966-1967 of 2020)** arises out of SLP (C) No. 5840/2015 judgement dated 04.03.2020 it was held that:-

“Hon’ble Apex Court held that information to be accessed/certified copies of the Judicial side is to be obtained through the mechanism provided under the High Court Rules and provisions of the RTI Act shall not be resorted to. Hon’ble Apex Court also held that one must apply under the court rules to get certified copies and court documents.”

9. In the light of aforesaid citation, I come to the conclusion that learned SPIO has passed well reasoned order after properly and legally appreciating the facts available on record and it appears no perversity on any findings recorded by him. The contention of the respondent regarding sought information is liable to reject. The appellant is not entitled to get information under RTI Act. Therefore, this appeal is without any substance, it is liable to be dismissed.

10. Consequently this appeal is dismissed. Appellant is free to obtain certified copies of concern orders and other proceedings under the Rule 8 (1) of the High Court of Madhya Pradesh (Right to Information) Rules, 2006. Copy of this order be sent Principal Registrar, High Court of M.P. Bench at Indore, for necessary action and information. A copy of this order be also provided free of cost to the appellant and also to the SPIO for information and necessary action.

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(ANIL VERMA)

APPELLATE AUTHORITY