

OFFICE OF THE PRINCIPAL REGISTRAR CUM APPELLATE AUTHORITY

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

No.06/PR/RTI/2018/α

Indore dt. 06/07/18

Shri Awdesh Pratap Singh Sikarwar

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. 09/ RTI/DR-HCIND/2018-2019.

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

(i) What type of proceedings can be held against the respondent for non-filing of written statement in WP No. 2936/2016 ?

(ii) What is the result of S.A. No. 409/2017 in concerned Writ Petition ?

(iii) Report should be provided to Applicant regarding mention slip in WP No. 13846/2013 ?

(iv) What a special urgent hearing ? And what are the basis of fixing of date of hearing ?

(v) Which party will be responsible for payment of full back wages, allowances and other expenses in case of sale of company before the final hearing ?

(VI) As to why applicant could not be provided with urgent hearing ?

(3) The SPIO by the impugned Order refused to give the information sought by the appellant on the grounds that appellant has not filed the application in prescribed form number No. 1 along with his photograph. He has been sought multiple informations, SPIO is not expected to answer queries which are not specific and properly presented or do not in fact exists.

Atce 26/7/18

OFFICE OF THE PRINCIPAL REGISTRAR CUM APPELLATE AUTHORITY

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

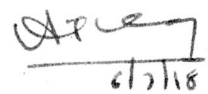
4) It is submitted by the Appellant that the SPIO has not provided information in question answer format as desired by applicant. SPIO arbitrarily passed the impugned order refusing to give information on flimsy grounds. The public Information Officer has materially erred in not providing the desired information as per mandate of Right to Information Act.

(5) Record Perused. *As per section 2 (f) an applicant can get any information which is already in existence and accessible to the Public Authority under law but he cannot ask for any information as to why such opinions, advices, orders have been or would be passed especially in the matter pertaining to Judicial decisions. Therefore, application before SPIO seeking such information is per se illegal as unwarranted.*

Under the provision of the Act the SPIO could not be expected to interpret an order or law and give his own opinion about it. The RTI applicant can only request for information which is held in material form.

In view of the aforesaid discussion, it is observed that, 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.



(Anil Verma)

Appellate Authority