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**M.Balakrishnan vs the State Public Information Officer/Senior Superintendent**

**M.Balakrishnan vs the State Public Information Officer/Senior Superintendent**

**SooperKanoon Citation** : sooperkanoon.com/1300918

**Court** : Kerala

**Decided On :** May-31-2024

**Judge** : Honourable Mr. Justice D. K. Singh

**Appeal No.** : WP(C)/25574/2019

**Appellant** : M.Balakrishnan

**Respondent** : The State Public Information Officer/Senior Superintendent

**Advocate for Pet/Ap.** : Sri. U.Balagangadharan

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 WP(C) NO. 25574 OF 2019 PETITIONER: M.BALAKRISHNAN AGED 55 YEARS S/O.T.T.UNNI,HEAEDMASTER IN CHARGE, S.R.U.P.SCHOOL,KUNISSERY,PALAKKAD-678681,RESIDING AT - DHAKSHINE VANDAZHI, PALAKKAD-678706. BY ADV U.BALAGANGADHARAN RESPONDENTS:

1 THE STATE PUBLIC INFORMATION OFFICER/SENIOR SUPERINTENDENT OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER,MINI CIVIL STATION,ALATHUR(PO), PALAKKAD-678541. 2 THE APPELLATE AUTHORITY/ASSISTANT EDUCATIONAL OFFICER, OFFICE OF THE ASSSISTANT EDUCATIONAL OFFICER,MINI CIVIL STATION,ALATHUR(PO),PALAKKAD-678541. 3 THE DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION,PALAKKAD-678001. 4 SHRI.K.R.SRINIVASAN, NEW VILLAGE,KUNISSERY.P.O, ALATHUR,PALAKKAD-678681. 5 THE STATE INFORMATION COMMISSION KERALA, PUNNEN ROAD,THIRUVANANTHAPURAM-695001,REPRESENTED BY ITS SECRETARY. BY ADVS. SRI.K.MOHANAKANNAN SMT.A.R.PRAVITHA SRI.ASHARAF PUTHIYOTTIL

SRI. DHEERAJ A.S. - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## JUDGMENT

Dated this the 31st day of May, 2024 Heard. Sri. U.Balagangadharan, learned counsel for the petitioner, Sri.M.Ajay, learned counsel for respondents 1,2 and 5, Sri. Dheeraj A.S, learned Government Pleader appearing for the 3rd respondent and Sri. K.Mohanakannan, learned counsel appearing for the 4th respondent.

2. The petitioner who was in-charge as Head Master

of S.R.U.P School, Kunissery, Palakkad has approached this Court against Ext.P13 order passed by State Information Commission, Thiruvananthapuram, whereby the State Information Commission has imposed a penalty of Rs.15,000/- on the petitioner for not providing the information sought by the 4th respondent under the Right to Information Act and Rules made thereunder and also recommended for disciplinary action against the petitioner for not providing the information as mandated under the Right to Information Act and Rules.

3. The petitioner has already paid penalty of Rs.15,000/- under the direction of this Court. Therefore, so far as the question of penalty is concerned, nothing survives in this writ petition.

4. As the petitioner stands retired from the service

on attaining the age of superannuation, the direction to conduct disciplinary proceedings against the petitioner would not be justified and therefore, the said direction of the State Information Commission to initiate disciplinary proceedings against the petitioner is set aside. With the aforesaid, the present writ petition is closed. Sd/- DINESH KUMAR SINGH JUDGE AP APPENDIX OF WP(C) 25574/2019 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.1429/2015 DATED 11.11.2016. EXHIBIT P2 A TRUE COPY OF THE APPLICATION DATED RESPONDENT EXHIBIT P3 A TRUE COPY OF THE LETTER FORWARDED BY THE 1ST RESPONDENT TO THE 5TH RESPONDENT LETTER DATED 08.08.2017. EXHIBIT P4 A TRUE COPY OF THE LETTER DATED 02.09.2017 PETITIONER TO THE 4TH RESPONDENT EXHIBIT P5 A TRUE COPY OF THE APPEAL PREFERRED BY THE 4TH RESPONDENT DATED 18.09.2017 EXHIBIT P6 A TRUE COPY OF THE LETTER DATED 11.10.2017 ISSUED BY THE 2ND RESPONDENT TO PETITIONER. EXHIBIT P7 A TRUE COPY OF THE COVERING LETTER DATED 30.10.2017 CARRYING COPY OF THE POSTAL RECEIPT EXHIBIT P8 A TRUE COPY OF THE LETTER DATED 31.10.2017 BY THE PETITIONER TO THE 2ND RESPONDENT EXHIBIT P9 A TRUE COPY OF THE ORDER AP NO.2809(5)/17/SIC FILE NO.15458/SIC-G7/2017 OF THE 5TH RESPONDENT DATED 30.01.2019 EXHIBIT P10 A TRUE COPY OF THE WRITTEN DEFENSE SUBMITTED BY THE PETITIONER DATED 29.11.2018 EXHIBIT P11 A TRUE COPY OF THE COVERING LETTER DATED 01.12.18 WITH POSTAL RECEIPTS. EXHIBIT P12 A TRUE COPY OF THE EXPLANATION DATED 11.03.2019 SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT EXHIBIT P13 A TRUE COPY OF THE ORDER AP NO.2809(5)/17/SIC FILE NO.15458/SIC-G7/2017 DATED 20.8.2019. Exhibit P 14 A TRUE COPY OF THE ORDER G.O. (RT) NO. RESPONDENT EXHIBITS EXHIBIT 4(A) TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE 4TH RESPONDENT U/S.

19(3) OF THE RIGHT TO INFORMATION ACT WITH ALL ITS ENCLOSURES EXHIBIT R4(B) TRUE COPY OF THE ORDER IN SLP 266/2017 DATED 13.01.2017 OF THE HON'BLE SUPREME COURT. EXHIBIT R4(C) TRUE COPY OF THE COMMUNICATION SENT BY THE ASST. EDUCATIONAL OFFICER TO THE DIRECTOR OF PUBLIC INSTRUCTION DATED 13.06.2019

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