

Sri Vidya Vikas Trust. Vs. the Block Education Officer, and anr.

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Court : Karnataka

Decided On : Feb-07-2011

Judge : MR.JUSTICE B.S.PATIL, J.

Appeal No. : W.P.No.6375/2011 (GM-RES).

Appellant : Sri Vidya Vikas Trust.

Respondent : The Block Education Officer, and anr.

Advocate for Def. : Smt.M.C.Nagashree, Adv.

Advocate for Pet/Ap. : Sri Dhyan Chinnappa, Adv.

Judgement :

1. Learned Government Pleader is directed to take notice for the respondent.

2. Petitioner is a Trust registered under the Indian Trust Act. It has established an educational institution known as Vidya Vikas Kannaria Primary School running classes for pre-primary as well as primary school upto 5th Standard the school is duly recognised and permission has been granted by the Block Education Officer - respondent herein.

3. In this writ petition, petitioner is aggrieved by the communication dated 20.01.2011 addressed to the petitioner by the Block Education Officer, South Zone, Bangalore, calling upon it to furnish certain Information within three days, failing which the recognition granted to the school would be cancelled. The background in which the impugned notice is issued is that one Vasudeva Rao had sought certain information, from the school by making an application before the Block Education Officer. The Block Education Officer rejected the said application as the petitioner took up the contention that being a private institution, there was no statutory duty or obligation on the part of the petitioner Institution to furnish such information as sought for under the Right to Information Act. Aggrieved by the said order dated 09.09.2010 the said Vasudeva Rao approached the Appellate Authority viz., Information Commissioner. It is clear from the petition averments that the matter is pending before the Karnataka Information Commissioner. During the pendency of the appeal before the Karnataka Information Commissioner, the impugned notice is issued by the respondent directing the petitioner to furnish the information failing which recognition granted to the school would be cancelled

4. I have heard the learned Counsel for the petitioner and the learned Government Pleader.

5. It is clear that the respondent has already rejected the request made for furnishing the documents accepting the contention urged by the petitioner. Against this order, the aggrieved party has gone before the Commission. When the matter is seized by the Karnataka Information Commissioner, there was absolutely no reason for the respondent to direct the petitioner to furnish these documents. This would tantamount to the respondent recalling his earlier order and allowing the application filed before him seeking to furnish the information, which is impermissible in law. The respondent-Block Education Officer ought to have awaited the

orders to be passed by the Commissioner. In these circumstances I have no hesitation to hold that the Block Education Officer has acted illegally and without authority of law in issuing the impugned notice.

6. Hence, this writ petition is allowed. The impugned notice is set aside. It is made clear that the parties have to await the directions to be issued by the Karnataka Information Commissioner.

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