

W.P. No. 5369, 5372, 5374, 5377 and 5378 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 5369, 5372, 5374, 5377 and 5378 of 2022

and

W.M.P. Nos. 5465, 5467, 5468, 5470 and 5471 of 2022

Saurav Das

... Petitioner in all W.Ps.

-VS-

1. Chief Information Commissioner,
Central Information Commission,
Baba Gangnath Marg, Munirka,
New Delhi 110 067.

2. Central Public Information Officer,
Under Secretary, Department of Health & Family Welfare,
Drugs Regulation Section
Through: Under Secretary, COVID Vaccine Admn. Cell
Nirman Bhawan,
New Delhi 110 011.

3. Public Information Officer,
Department of Industrial Policy & Promotion,
IPR – Copyright Section, Udyog Bhavan,
New Delhi 110 011.

4. Public Information Officer,
North Eastern Indira Gandhi Regional Institute
of Health and Medical Sciences,
Administrative Block, NEIGRIHMS,
Mawdiangdiang,
Shilong 793 018.

5. Public Information Officer,



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Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER)
Second Floor, Administrative Block,
Jawaharlal Institute of Post Graduate
Medical Education and Research,
Pondicherry 605 006.

... Respondents in all W.Ps.

Prayer in W.P. No. 5369 of 2022:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in respect of Second Appeal No.CIC/MOHFW/A/2021/622519 dated 16.08.2021 in the case of the Petitioner and quash the judgment dated 16.08.2021 passed by the First Respondent and consequently, direct the Second Respondent to release the information sought for and pass such orders.

Prayer in W.P. No. 5372 of 2022:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in respect of Second Appeal No.CIC/MOHFW/A/2021/622522 dated 16.08.2021 in the case of the Petitioner and quash the judgment dated 16.08.2021 passed by the First Respondent and consequently, direct the Second Respondent to release the information sought for and pass such orders.

Prayer in W.P. No. 5374 of 2022:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in respect of Second Appeal No.CIC/MOHFW/A/2021/625996 dated 16.08.2021 in the case of the Petitioner and quash the judgment dated 16.08.2021 passed by the First Respondent and consequently, direct the Second Respondent to release the information sought for and pass such orders.

Prayer in W.P. No. 5377 of 2022:- Writ Petition filed under Article 226 of the



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Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in respect of Second Appeal No.CIC/MOHFW/A/2021/625995 dated 16.08.2021 in the case of the Petitioner and quash the judgment dated 16.08.2021 passed by the First Respondent and consequently, direct the Second Respondent to release the information sought for and pass such orders.

Prayer in W.P. No. 5378 of 2022:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in respect of Second Appeal No.CIC/MOHFW/A/2021/625994 dated 16.08.2021 in the case of the Petitioner and quash the judgment dated 16.08.2021 passed by the First Respondent and consequently, direct the Second Respondent to release the information sought for and pass such orders.

(In all W.Ps.)

For Petitioner : Mr. M.V.Swaroop

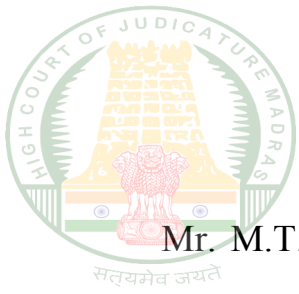
For Respondents : Mr. K.S.Jeyaganeshan (for R1)

Mr. A.R.Sakthivel (for R2 and R3)

Mr. M.T.Arunan (for R5)

COMMON ORDER

Heard Mr. M.V.Swaroop, Learned Counsel for the Petitioner, Mr. K.S.Jeyaganeshan, Learned Counsel for the First Respondent, Mr. A.R.Sakthivel, Learned Counsel for the Second and Third Respondents and



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Mr. M.T.Arunan, Learned Counsel for the Fifth Respondent and perused the

materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner in these Writ Petitions is that as the Public Information Officer and the Appellate Authority under the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act' for short) had not furnished the information sought by him relating to various queries on the action taken by the Central Government for the control of the spread of COVID pandemic and treatment given to the affected persons and their families, he had preferred second appeals in Second Appeal Nos. CIC/MOHFW/A/2021/622519, CIC/MOHFW/A/2021/622522, CIC/MOHFW/A/2021/625994, CIC/MOHFW/A/2021/625995 and CIC/MOHFW/A/2021/625996 under Section 19(3) of the RTI Act before the First Respondent, who by common order dated 16.08.2021 had come to the conclusion that the required information had been furnished without any proof produced in support of the same. Aggrieved thereby, the Petitioner has filed these Writ Petitions challenging the said order passed by the First Respondent.

3. On a bare perusal of the impugned order, it has been noticed that the First



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Respondent has come to the conclusion that the information as defined under

WEB Section 2(f) of the RTI Act has been provided by the Public Information Officer without any pointed discussion or material proof produced in that regard. The Second to Fifth Respondents have also not been able to show any materials before this Court that the requisite information has been furnished by them to the Petitioner in these cases.

4. In such circumstances, the impugned order dated 16.08.2021 in Second Appeal Nos. CIC/ MOHFW/A/2021/622519, CIC/MOHFW/A/2021/622522, CIC/MOHFW/A/2021/625994, CIC/MOHFW/ A/2021/625995 and CIC/MOHFW/A/2021/625996 passed by the First Respondent, which cannot be sustained, is set aside and the matter is remitted to the First Respondent to be decided afresh uninfluenced and uninhibited by the impugned order, and it is also made clear that no view has been expressed by this Court on the merits of the controversy involved. The cases shall be listed for hearing before the First Respondent on 19.06.2024, and the Petitioner, the Second to Fifth Respondents and all other persons concerned shall appear on that date without fail. If the First Respondent is not in a position to take up the matter for hearing on the said date, the next date of hearing to which it is adjourned shall be informed to the parties. The First Respondent shall afford full opportunity of hearing to all



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parties concerned following the prescribed procedure in consonance with the

WEB

principles of natural justice and pass reasoned orders dealing with each of the

contentions raised by them on merits and in accordance with law and

communicate the decision taken under written acknowledgment.

In the result, these Writ Petitions are ordered on the aforesaid terms.

Consequently, connected Miscellaneous Petitions are closed. No costs.

07.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 10.05.2024.

gsa

To

1. The Chief Information Commissioner,
Central Information Commission,
Baba Gangnath Marg, Munirka,
New Delhi 110 067.
2. The Central Public Information Officer,
Under Secretary, Department of Health & Family Welfare,
Drugs Regulation Section
Through: Under Secretary, COVID Vaccine Admn. Cell
Nirman Bhawan, New Delhi 110 011.
3. The Public Information Officer,
Department of Industrial Policy & Promotion,



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IPR – Copyright Section, Udyog Bhavan,
New Delhi 110 011.

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4. The Public Information Officer,
North Eastern Indira Gandhi Regional Institute
of Health and Medical Sciences,
Administrative Block, NEIGRIHMS,
Mawdiangdiang,
Shilong 793 018.
5. The Public Information Officer,
Jawaharlal Institute of Postgraduate
Medical Education and Research (JIPMER)
Second Floor, Administrative Block,
Jawaharlal Institute of Post Graduate
Medical Education and Research,
Pondicherry 605 006.

Copy to

Saurav Das,
S/o. Seema Chhetri,
No. 6, Manakula Vinayagar Koil Street,
Pondicherry – 605 001.



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P.D. AUDIKESAVALU, J.

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