

APPLICATION UNDER RIGHT TO INFORMATION ACT 2005

TO

Central Public Information Officer
 Sh. Ram Prakash Grover
 Designated officer and Deputy Registrar
Central Information Commission
 August Kranti Bhawan
 Bhika ji Kama place
 New Delhi-110066

Application Date: 12-09-2017

1	Name of the Applicant	Sunil Kumar
2	Communication Address	E 299 Jagjeet Nagar, third pusta , Subhash gali, (near dakkhane wali gali) P.O- Seelampur Delhi-110053
3	Application Fee <u>Additional Fee, if any, will be deposited on intimation</u>	Rs 10.00 by IPO No. : 38F 186614 Pay To: Payable At: New Delhi
4		

RTI No- SK-CIC/12917

Madam/Sir,

Below mentioned is for your kind consideration:

1. Please refer to the section 2(f) of the RTI Act, 2005 which defines the term "Information", it has clearly been stated that information relating to any private body which can be accessed by a public authority under any other law for the time being in force, also comes within the meaning of term information. The term "held by or under the control of the public authority" used in the section 2 (J) of the RTI Act will include information which the public authority is entitled to access under any other law from a private body. Thus, information which the public authority is entitled to access under any other law, from a private body has to be furnished.

Sir, as you know Rule 50 sub clause (xviii) & (xix) of the DSE Act & Rules 1973 , also authorizes the public authority to have access to the information or records of the private body by conducting inspection. So DOE being the regulatory authority have the powers to access information from private recognized schools like DPS RK Puram.

2. DPS RK Puram has been substantially financed by the Govt. in the form of providing many acres of land at very negligible/nominal rates by Govt. The grant of land to DPS RKP, EOK & VV is not trivial to be ignored as pittance. Even the current rent of the said land is just 2.5% of the



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premium, which is nominal & negligible. This is a solid aid/grant/subsidy to DPS RKP by govt. Just in the cases of hospitals, those have been granted lands at concessional rates? Such hospitals come under the ambit/purview of RTI; similarly same rule goes with DPS RKP.

3. DPS RKP enjoys CBSE recognition & affiliation, just because of this fact general public get attracted to get admission to DPS RKP and its junior school. **This is very much a kind of indirect aid to this school by the govt** Tuition fees structures, admissions & nos. of seats to EWS categories, exam schedule and other admission guidelines are formulated and determined by Govt. only, just in case of other govt. schools.

4. DPS RK Puram is recognized under Delhi School Education Act 1973. As per the sections 4 & 8 of Delhi Education Act, it is the duty of the private school to abide by the regulatory conditions of service, payments of salaries as prescribed, etc for which the school has to maintain the records, which provide an inherent and implied right to information to their employees.

5. **It is also regulated/managed & controlled by directorate of education as other Govt. aided schools.**

6. DPS RKP enjoys income tax & service tax concessions /exemptions, these exemptions can be taken as some kinds of grants.

7. DPS RKP uses services of many govt. organizations at concessional rates like DDA, L& DO, NDMC, DJB, BSES etc.

Most Importantly: *Please refer to File No. CIC/AD/A/2013/000658-SA in Ms. Sadhana Dixit Vs. Dte. Of Education Honorable IC Mr. Prof. M.Sridhar Acharyulu has held that under the purview of section 2(f) of the RTI Act , PIO of the regulatory authority have access to the information held by the private school, which can be further provided to the applicant. Hence*

Information regarding service conditions of an employee are to be provided.

Information Requested- : Information regarding CIC decision by Sh. Yashovardhan Azad file No. CIC/SA/A/2016/001656 & No. CIC/DIRED/A/2017/104651 DATE OF HEARING 05-07-2017 and respondent DOE (copy attached)

Please refer to File No.CIC/SA/A/2016/001656 and provide following information:

Facts: It is evident from the available records that neither PIO nor FAA has provided even a single satisfactory authentic true information in response to my 16 sought information in regard to my RTI application dated 11-03-2016.

1. Kindly state reasons for not imposing penalty and initiating disciplinary proceedings against PIO and FAA for non compliance of section 2(f) of the RTI Act, 2005 and contempt of Honorable IC Mr. Prof. M.Sridhar Acharyulu orders in Ms. Sadhana Dixit Vs. Dte. Of Education in File No. CIC/AD/A/2013/000658-SA .
2. Honorable IC Mr. Yashovardhan Azad in his decision has stated that applicant eventually was not selected/approved by selection Committee Meeting held on 3rd April 2006. Kindly provide certified copies of the relied on document/ supporting document to support your statement about the applicant. Kindly provide certified copy of the letter which must have been issued to the applicant for his candidature disapproval. Kindly provide certified copy of that rule too, which authorize DPS RKP to disapprove/reject a candidate after one year of his joining.
3. Honorable IC Mr. Yashovardhan Azad in his decision has stated that in view of the performance report given by Mr. Raju. Kindly provide certified copy of that rule too, by which a Catering Supervisor can judge performance of a store-keeper.
4. Kindly figure out all such queries in my RTI application dated 11-03-2016 which are exempted (do not qualify for supply of information) for supply of information as per the provisions of RTI Act 2005.
5. Honorable IC Mr. Yashovardhan Azad in his decision has stated that all the sought information along with answer to many other queries have been answered by the respondent/DPS RK Puram vide a response dated 22-11-2016.

Kindly provide certified copy of the response letter dated 22-11-2016 of the respondent/DPS RK Puram to certify that all the 16 information sought in the concerned RTI (dated 11-03-2016 File No.CIC/SA/A/2016/001656) have already been provided.

Now please refer to File No. CIC/DIRED/A/2017/104651 and provide following information:
Facts: It is evident from the available records that neither PIO nor FAA has provided even single satisfactory authentic true information in response to my 8 sought information in regard to my RTI application dated 28-09-2016. (File No. CIC/DIRED/A/2017/104651)

6. *Kindly state reasons for not imposing penalty and initiating disciplinary proceedings against PIO and FAA for non compliance of RTI Act for not providing even single satisfactory information in response to my 8 sought information in regard to my RTI application dated 28-09-2016. (File No.CIC/DIRED/A/2017/104651)*
7. *Kindly figure out all such queries in my RTI application dated 28-09-2016 which are exempted (do not qualify for supply/furnish of information) for supply of information as per the provisions of RTI Act 2005.*
8. *Honorable IC Mr. Yashovardhan Azad in his decision has stated that all the sought information along with answer to many other queries have been answered by the respondent/DPS RK Puram vide a response dated 22-11-2016.*

Kindly provide certified copy of the response letter dated 22-11-2016 of the respondent/DPS RK Puram to certify that all the 8 information sought in the concerned RTI application dated 28-09-2016. (File No. CIC/DIRED/A/2017/104651) have already been provided.

Now please refer to File No. CIC/UTDEL/A/2017/104653/C and provide following information:

Facts: It is evident from the available records that neither CPIO nor FAA(Dy. Commissioner of industries) and nodal officer under RTI of DPS Chairman has provided even a single satisfactory authentic true information in response to my 15 sought information in regard to my RTI application dated 06-06-2016. (File No. CIC/UTDEL/A/2017/104653/C)

9. *Kindly state reasons for not imposing penalty and initiating disciplinary proceedings against PIO and FAA (Dy. Commissioner of industries) and against nodal officer under RTI of DPS Chairman for non compliance of RTI Act for not providing even single satisfactory information in response to my 15 sought information in RTI application dated 06-06-2016. (File NoCIC/UTDEL/A/2017/104653/C)*
10. *Kindly figure out all such queries in my RTI application dated 06-06-2016 which are exempted (do not qualify for supply of information) for supply of information as per the provisions of RTI Act 2005.*
11. *Honorable IC Mr. Yashovardhan Azad in his decision has endorsed/quoted the statement of respondent that appellant was never promoted. Kindly provide certified copies of the relied on document/ supporting document to support your statement about the applicant.*

12. Kindly state reasons for showing solemn belief in the statement of respondent by the Honorable IC Mr. Yashovardhan Azad and not believing the appellant.

13. Honorable IC Mr. Yashovardhan Azad in his decision has stated that all the sought information in the present RTI dated 06-06-16 along with answer to many other queries have already been provided /adjudicated by Honorable IC **Mr. Prof. M.Sridhar Acharyulu**. Kindly provide certified copy of the IC order & response letter of the respondent/DPS RK Puram to certify that all the 15 information sought in the concerned RTI application dated 06-06-2016 (FileNo.CIC/UTDEL/A/2017/104653/C) have already been provided /adjudicated by Honorable IC Mr. Prof. M.Sridhar Acharyulu.

Now please refer to File No. CIC/DIRED/A/2017/126129 and provide following information:

14. Kindly figure out all such queries in my RTI application dated 03-02-2017 which are not subject to disclosure (do not qualify for supply of information) for supply of information as per the provisions of RTI Act 2005.

15. Please refer to my query No.1, is it no subject to suo moto disclosure under section 4 of the RTI Act 2005? Kindly state reasons for not directing PIO/FAA to follow the provisions of RTI Act.

16. Honorable IC Mr. Yashovardhan Azad in his decision has stated that appellant does not have any genuine grievance. Kindly provide certified copies of the relied on document/ supporting document to support your statement about the applicant and Kindly state reasons for showing solemn belief in the statement of respondent by the Honorable IC Mr. Yashovardhan Azad and not believing the appellant.

17. Honorable IC Mr. Yashovardhan Azad in his decision has stated that no public interest is being served by his repeated RTI queries. Kindly provide certified copy of that rule too that every RTI query must serve public interest.

18. Honorable IC Mr. Yashovardhan Azad in his decision has stated that no public interest is being served by his repeated RTI queries Kindly state reasons that disclosure of remuneration/salary details of the staff is against public interest and exempted.

Please refer to File No. CIC/DIRED/A/2017/104654 and provide following information:

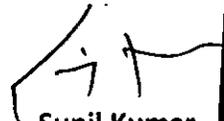
Facts: It is evident from the available records that neither PIO nor FAA has provided even a single satisfactory authentic true information in response to my 5 sought information in regard to my RTI application dated 28-10-2016. (File No. CIC/DIRED/A/2017/104654)

19. Kindly figure out all such queries in my RTI application dated 28-10-2016 which are not subject to disclosure (do not qualify for supply of information) for supply of information as per the provisions of RTI Act 2005.
20. Kindly state reasons for not imposing penalty and initiating disciplinary proceedings against PIO and FAA for non compliance of RTI Act for not providing even single satisfactory information in response to my 5 sought information in regard to my RTI application dated 28-10-16.
21. Kindly provide certified copy of that rule that if CIC adjudicates any of the RTIs of a particular applicant as misuse of RTI, that particular applicant loses/abandons his right to obtain information throughout his life time.
22. Honorable IC Mr. Yashovardhan Azad in his decision has stated that the Commission notes that this is a classic example of vexatious litigation whereby one person is trying to hold the entire school management at ransom for almost imaginary grievances.

Kindly provide certified copies of the relied on document/ supporting document to support your statement about the applicant and Kindly state reasons for showing solemn belief in the statement of respondent by the Honorable IC Mr. Yashovardhan Azad and not believing the appellant.

5 Declaration: I declare that I am a citizen of India.

6
Date: 12-09-2017
Place: New Delhi


Sunil Kumar
(Applicant)

7 Enclosure: IPO No. 38F 186614

Copy of the CIC decisions attached with.

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/UTDEL/A/2017/104653**
CIC/SA/A/2016/001656
CIC/DIRED/A/2017/126129
CIC/DIRED/A/2017/104654
CIC/DIRED/A/2017/104651

Date of Hearing : 05.07.2017
Date of Decision : 05.07.2017
Appellant/Complainant : Sunil Kumar

Respondent : Directorate of Education
Through: Mr. V K Gaur - DDE, Dr.
Parkashi Chhillar - DDE, Zone: 19,
Mr. Dhananjay Sharma, Mr. K J
Sharma, Mr. Vinod Kumar

Information Commissioner : **Shri Yashovardhan Azad**

Since the aforesaid appeals are between the same parties and raise similar issues, they are clubbed for the purpose of adjudication

Case No.	Filed on	CPIO reply	First appeal	FAA order
104653	06.06.2016	08.06.2016	23.09.2016	
001656	11.03.2016	29.03.2016	04.04.2016	28.04.2016
126129	03.02.2017	03.03.2017	10.03.2017	12.04.2017
104654	28.10.2016	06.12.2016	19.12.2016	07.01.2017
1046551	28.09.2016	23.11.2016	05.12.2016	06.01.2017

CIC/UTDEL/A/2017/104653

Information sought:

Vide RTI application dated 06.06.2016, the appellant sought information regarding upgradation/promotion/revised pay fixation of DPS R.K. Puram staff and related issues under 15 points. CPIO transferred the RTI application to the Chairman, Delhi Public School on 08.06.2016. Having not received any response from the public authority, the appellant filed an appeal on 23.09.2016 was disposed of by order dated 06.10.2016, since the appellant did not appear for the hearing despite service of notice dated 29.09.2016. The aggrieved appellant approached the Commission.

Information sought:

Vide RTI application dated 03.02.2017, the appellant sought the following information:

1. Certified copies of the complete statements of disbursements of salaries of the entire staff of DPS, RKP/EOK
2. Has any permission been sought by DPS RKP management to initiate disciplinary proceedings against the appellant during 1.7.2016 to 31.01.2017.
3. Certified copies of letter by which DPS RKP management has sought such permission and certified copy of diary/despatch register, stating receiving of that letter
4. Certified copies of letter by which DDE SW-A has accorded necessary permission to DPS RKP management to constitute D.A.C. and initiate disciplinary proceedings and the appellant.
5. Statements of definite charges (with documentary evidence) against the appellant submitted by DPS RKP management to seek permission to initiate disciplinary proceedings against the appellant
6. Date on which DPS RKP management forwarded the "Contract of Service" to be entered in Register of Contracts and a copy of service contract letter and diary despatch register

CPIO vide letter dated 03.03.2017, furnished information as available on record. Not satisfied with the response, the appellant filed an appeal. During the course of hearing with FAA, the PIO submitted that the appellant is an employee of DPS, R.K. Puram, New Delhi and has some dispute with school authorities. He is repeatedly harassing this office and school authorities by filing number of complaints and applications before different authorities. The appellant files RTI applications for his personal grudges while the appellant does not have any genuine grievance. No public interest is being served by his repeated queries under RTI Act.

CIC/DIRED/A/2017/104654

Vide RTI application dated 28.10.2016, the appellant sought action taken by Education Department on some of his grievances/complaints regarding not considering his candidature for the post of storekeeper and related issued 5 points. CPIO vide letter dated 05.12.2016 furnished reply as available on record. Being not satisfied, the appellant filed an appeal. The FAA vide order 06.01.2017 noted the conduct of the appellant in filing repeated and frivolous RTI applications to settle his personal grudges with the School though he has no genuine grievance. It was further noted by the FAA that the applicant had filed several appeals

School authorities. Personal vendetta should not and cannot be settled by misuse and abuse of the RTI Act, least of all by filing such meaningless and repetitive appeals before this Commission. The Commission has consistently encouraged genuine information seekers and information sought in public interest. But the very nature of the applications filed by the appellant in this case read in conjunction with the submissions of the Respondent indicate clearly that the cases at hand are backed by no genuine quest for information. In fact, it will not be inappropriate to state that the Appellant in order to fuel his vengeance for having been denied service related benefits has taken to the totally inappropriate method of abuse of the RTI Act. This Act sought to establish a practical regime for dissemination of information by ensuring transparency and accountability in the functioning of the public authority, however, it was nor meant neither envisioned to be reduced into a tool for settling personal grudges or for oppressing and/or harassing the public officials. As a welfare legislation, this Act ensured a very powerful and cherished right. But every right, including the Fundamental Rights enshrined in the Constitution of India are guaranteed subject to Duties, no right can be thus enjoyed in the absolute sense without adhering to duties.

2. Like the essential balance between Rights and Duties, another important facet of life is *the denial of excess*. The ancient scripture of Bhagwad Gita comprises of a prudent sentence: अ. तसव वजयेत ॥ [Atisarvatravajayet] which implies that "excess in any manner whatsoever should be avoided; as excess of anything is bad". Implementing this rationale, it is not difficult to understand how the repetitive queries by the appellant is completely defeating the very purpose of the RTI Act, instead of providing any light of wisdom or awareness, such repetitiveness and unnecessary demand for same set of information repeatedly agitated by the appellant has been detrimental even to the appellant because the very foundation of the queries is laid on the bedrock of vengeance and personal vendetta which has possibly not even arisen from the conduct of the Respondent. If the appellant had a case on merits and his rights would have been genuinely been infringed, he would have sought the appropriate legal remedy instead of filing repeated, vexatious RTI applications. The Apex Court while deciding a similar case of Advocate General, Bihar vs. M.P.Khair Industries (AIR 1980 SC 946) had held :

"...filing of frivolous and vexatious petitions as abuse of the RTI process. Some of such abuses specifically mentioned by the Apex

Copy to:-

Deputy Commissioner of Industries & PIO,
O/o. the Commissioner of Industries,
Udyog Sadan, Plot No.-419, F.I.E.
Patparganj Ind. Area,
Delhi-110092.

Nodal Officer under RTI,
Office of the Chairman,
Delhi Public School Society,
F-Block, East of Kailash,
New Delhi-110065.

First Appellate Authority under RTI
O/o. the Commissioner of Industries,
Udyog Sadan, Plot No.-419, F.I.E.
Patparganj Ind. Area, Delhi-110092

Shri Sunil Kumar
E-299, Jagjeet Nagar, Third Pusta,
Subhash Gali (Near Dakkhane Wali Gali),
Seelampur, Delhi-110053

Public Information Officer under RTI
O/o. the Deputy Director of Education-S/W,
C-4, Vasant Vihar,
New Delhi-110057.

Public Information Officer under RTI,
O/o. the Deputy Director of Education,
District - South West-A,
C-4, Vasant Vihar,
New Delhi-110057.

First Appellate Authority under RTI
O/o. the Regional Director of Education-South,
C-4, Vasant Vihar,
New Delhi-110057

Public Information Officer under RTI
O/o. the Dy. Director of Education-(S/W-A),
C-4, Vasant Vihar,
New Delhi-110057.

Nodal Officer - RTI Cell,
Deputy Director of Education-(DDE-2),
Private School Branch-(PSB),
Room No.-228, Old Secretariat,
Delhi-110054.

First Appellate Authority under RTI
O/o. the Regional Director of Education-(S),
C-4, 2nd Floor, Vasant Vihar,
New Delhi-110057.