



CGHC010261992022



2026:CGHC:38348

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 3505 of 2022**

Akram Khan S/o Shri Ismile Khan, Aged About 34 Years, R/o Quarter Number D/17
Deepti Vihar Colony, Police Station Janjgir, District- Janjgir-Champa, Chhattisgarh.

--- Petitioner(s)**versus**

1 - Central Information Commissioner New Delhi. India.

2 - Chhattisgarh State Information Commissioner Through Chief Information
Commissioner Mahanadi Bhawan Atal Nagar Raipur, District- Raipur, Chhattisgarh.

3 - First Appellate Public Information Authority Office Of Family Court, Janjgir-
Champa, District- Janjgir-Champa, Chhattisgarh.

4 - Public Information Officer, Office Of Family Court Janjgir-Champa, District-
Janjgir-Champa, Chhattisgarh.

--- Respondent(s)**WPC No. 3506 of 2022**

Akram Khan S/o Shri Ismile Khan, Aged About 34 Years R/o Quarter Number D/17
Deepti Vihar Colony, Police Station Janjgir, District Janjgir Champa Chhattisgarh

---Petitioner(s)**Versus**

1 - Central Information Commissioner New Delhi India

2 - Chhattisgarh State Information Commissioner Through Chief Information Commissioner Mahanadi Bhawan, Atal Nagar Raipur District Raipur Chhattisgarh

3 - First Appellate Public Information Authority Office Of Family Court, Janjgir Champa District Janjgir Champa Chhattisgarh

4 - Public Information Officer, Office Of Family Court Janjgir Champa, District Janjgir Champa Chhattisgarh

--- **Respondent(s)**

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	: Mr. Vikram Dixit, Advocate
For Respondent No.1	: Mr. Rishabh Deo Singh, Advocate
For Respondent No.2	: Mr. Shyam Sunder Lal Tekchandani, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

31/08/2026

1. The factual matrix as well as the core issue involved in these two writ petitions being identical, they were heard analogously and are being disposed of by this common order. For the sake of convenience, W.P.(C) No. 3505/2022 is treated as the lead case for adjudication of the present two petitions and the facts of the said petition are being referred to for the purpose of adjudication. The decision rendered herein shall, however, govern the disposal of other connected writ petition as well, as the issues raised therein are identical in nature.
2. Aggrieved by the order 28.01.2022 (Annexure P/7), the petitioner has preferred this writ petition. By way of the impugned order, respondent no.2-Chhattisgarh State Information Commissioner

has rejected the second appeal preferred by the petitioner under Section 19 (3) of the Right to Information Act, 2005 (in short “the Act of 2005”).

3. The facts relevant for disposal of the matter are that the petitioner was working as a driver in the establishment of the Family Court, Janjgir, District Janjgir-Champa. Two departmental inquiries were initiated against the petitioner in respect of certain allegations and seven charges which were levelled against him for misconduct. The departmental inquiries were concluded and the services of petitioner stood terminated vide order dated 05.01.2021 passed by the Principal Judge, Family Court, Janjgir, District Janjgir Champa. The order of termination was subjected to challenge by way of a departmental appeal through the Registrar General, High Court of Chhattisgarh, Bilaspur.
4. One of the main grounds on which the petitioner has assailed the order of termination is the denial of a fair and reasonable opportunity of defence, both prior to issuance of the said order and during the course of the departmental enquiry. To establish this ground, the petitioner had sought certain information and related documents from the department in respect of the departmental enquiry initiated against him. The said information/documents were initially denied by the department for which the petitioner approached the Public Information Officer of the Department which finally stood rejected vide order dated 15.01.2021. Against the said order passed by the Public Information Officer, a first appeal was preferred which also stood

rejected on 10.03.2021 against which a second appeal was preferred before respondent no.2 under Section 19 (3) of the Act of 2005 which too stands dismissed vide order dated 28.01.2022.

5. The rejection of the application as also the two appeals was on the ground of it being hit by the provisions of Section 8(1)(c) and 8(1)(j) of the Act of 2005. For ready reference, it would be relevant at this juncture to reproduce Section 8 of the Right to Information Act:

“Section 8(1)(c) & 8(1)(j) of the Right To Information Act, 2005

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(j) information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

6. Now, if we read the two sections on the basis of which the claim of the petitioner has been rejected i.e. 8(1)(c) and 8(1)(j) of the Act, 2005, it would give a clear indication that the information which has been exempted under Section 8 as is reflected in 8(1)(c) and 8(1)(j) of the Act of 2005 is in respect of third party

information and which could cause a breach of privilege of the parliament so also of the State Legislature. As compared to the aforesaid provisions of law i.e. Section 8 of the Act of 2005, if we peruse the application which the petitioner has filed in the capacity of an information seeker under the Right to Information Act, it would clearly reflect that the information that he had sought for was in respect of the complete note sheets of office memo No.443/two-12-21/2020 on the basis of which the order of termination was passed against the petitioner. The information sought by the petitioner clearly reflects that the said information was neither confidential, related to a third party nor intended for use against any third party. The information sought was primarily to defend himself before the higher authorities where the order of termination qua the petitioner itself is under challenge. In other words, the information sought is for an effective defence that the petitioner could take up before the higher authority in his endeavour to seek quashment of the order dated 05.01.2021 whereby the services of the petitioner stood terminated.

7. On due consideration of the information sought by the petitioner, in no way would it be an information or disclosure of information which could cause breach of privilege of Parliament or the State Legislature as is contemplated under the provision of Section 8(1) (c) nor would the information so sought for be an information which relates to a disclosure of personal information to which the petitioner has no relationship or has no interest or which could cause unwarranted invasion of the privacy of a third party as is

otherwise exempted under Clause 8(1)(j) of the Act of 2005. These are the two provisions under which the information sought for by the petitioner has been rejected and which has been confirmed by the First Appellate Authority as also by the Second Appellate Authority. Ironically the order of dismissal has been passed by the same authority who had decided the first appeal which again would not be otherwise a fair proceeding drawn on the part of the Presiding Judge, Family Court, Janjgir Champa at that point of time.

8. Without making any further comment on the entire factual matrix of the case, this Court is of the opinion that the findings arrived at by the Public Information Officer, the First Appellate Authority as also by the Second Appellate Authority are per se contrary to what is envisaged under Section 8 of the Right to Information Act. The three impugned orders therefore are set aside/quashed. The respondent no.4 is hereby directed to ensure that the information sought for by the petitioner is made available to him in terms of the Act of 2005, after payment of all the requisite fees by the petitioner, at the earliest preferably within a period of 30 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioner to apprise respondent no.4 so far as the order passed by this Court is concerned.
9. With the aforesaid observations/directions, both the Writ Petitions are disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge