

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DT.18.12.2014 PASSED BY THE R-1 VIDE ANNEX-G AND CONSEQUENTLY DISMISS KIC5687PTN2012.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

In all these petitions, the essential question of law arises as under:

"Whether the societies and the educational institutions (aided) run by the societies are *subject* to Right to Information Act, 2005?

2. After service of notice, the respondents having entered appearance submit that wherever the educational institutions run by the societies are aided by

the State, they cease to be 'private bodies' which otherwise would not fall within the precincts of the 2005 Act and if aided, that would metamorphoses them into public authorities as defined under Section 2(b) of the thereof. In support of these rival contentions, both the sides bank upon decision of the Apex Court in THALAPPALAM SR. COOP.BANK LTD & OTHERS, vs. STATE OF KERALA & OTHERS, 2013 SCC OnLine SC 915 and a Division Bench decision of this Court in R NARAYANAMURTHY v. POORNAPRAGANA HOUSE BUILDING COOPERATIVE SOCIETY & OTHERS, 2013 SCC OnLine Kar 9062.

3. Having heard the learned counsel for the parties and having perused the petition papers, this Court is of a considered opinion that the question raised before this Court being mixed question of law & facts, needs to be addressed by the respondent – Commission after hearing both the sides and in accordance with law. With this course of action, the Bar does not have any divergence.

In the above circumstances, these petitions are allowed in part; impugned orders are set at naught; the matters are remitted to the first respondent - Commission for consideration afresh after giving an opportunity of hearing to both the sides and in accordance with law. The remand shall be heard & decided within a period of three months, all contentions of the parties are kept open. It is open to the Commission to raise other questions if need be.

The parties are put to notice through their advocates to appear before the Commission on 22.08.2022 and seek further instructions at its hands.

No costs

**Sd/-
JUDGE**

Bsv