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The Principal,
Apeejay School,
Mahavir Marg,
New Jawahar Nagar,
Jalandhar (Punjab)

....Appellant

V/s

First Appellate Authority,
O/o The Deputy District Education Officer(Elem.),
Jalandhar(Punjab)

...Respondent

Sh. Karam Singh,
H. No. 100,
Uday Nagar Wala – 59,
Block - 37, Jalandhar

....Other (Party)

Appeal Case No. 5144 of 2021

ORDER

This case was last heard on 21.11.2022 and the judgment was reserved.

2. Brief facts of the case are that Shri Karam Singh filed an RTI application on 22.07.2021 before the PIO o/o DEO (EE) Jalandhar seeking some information regarding Apeejay School, Jalandhar. The First Appellate Authority vide orders dated 28.10.2021 directed the Principal, Apeejay School, Jalandhar to provide the complete information as sought by the Appellant through his RTI Application, except the Balance Sheet. The said FAA had further written in the aforesaid order that if any of the party has any objection in respect of this order then he/she can file Appeal in PSIC.

3. In view of above, Apeejay School, Mahavir Marg, Jalandhar had approached the Commission in Appeal against the orders of the First Appellate Authority i.e. DEO(EE) Jalandhar.

4. This case was allocated to the Bench of Hon'ble former SIC Sh. Sanjiv Garg and on 03.08.2022 following orders was passed by the said Bench:-

"As the information demanded through RTI request is regarding building safety and fire certificates etc. of a school, which carries 'Larger Public Interest' as it relates with lives of Officers/ Officials /students/ of the School, accordingly, Sh. Karam Singh should have been the appellant and Deputy District Education Officer (elem.) , Jalandhar should have



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been as respondent PIO (respondent party – 01) and Deputy District Education Officer (Elem.) , Jalandhar should have been respondent party – 02 as an First Appellate Authority and further Apeejay School, Mahavir Marg, New Jawahar Nagar, Jalandhar should have been impleaded as necessary party in the instant appeal-case.

Accordingly , Sh. Karam Singh be taken as appellant and PIO office of Deputy District Education Officer (Elem.) , Jalandhar and ii) Apeejay School, Mahavir Marg, New Jawahar Nagar, Jalandhar must be respondent parties and First Appellate Authority be Deputy District Education Officer (Elem.) , Jalandhar”.

5. Since, SIC Sh. Sanjiv Garg had demitted office in September 2021, this case file was re-allocated to the bench of the undersigned. Through order dated 19.10.2022 the concerned parties were directed to be present on the next date of hearing i.e. 21.11.2022. The counsel for the Appellant, Apeejay School, Jalandhar filed written submission on. 21.11.2022 which is as under:-

“7. That it is submitted that the appeal is filed by Apeejay School, Jalandhar , being aggrieved by the communication dated 28.10.2021 issued by the Respondent no. 1. In the appeal filed by Apeejay School, Jalandhar Sh. Karam Singh cannot be taken as appellant and Apeejay School, Mahavir Marg , New Jawahar Nagar, Jalandhar cannot be made a Respondent. If Shri Karam Singh is aggrieved of any order, he must take steps in accordance with law.

6. In view of the aforementioned circumstances, the objection raised by the original appellant –Apeejay School against its transposition as respondent is well founded for the following reasons:-

i) The said order transposing the appellant- Apeejay School as the respondent is not backed by any principle recognized by law, and any plausible object proposed to be achieved by this exercise is also not discernable from the order.

ii) Sh. Karam Singh who is fully satisfied with the order dated 28.10.2021 cannot be compelled to be an appellant.

iii) Transposing Apeejay School-originally appellant in the appeal before Hon'ble SIC as respondent, and Sh. Karam Singh-originally respondent in the appeal before Hon'ble SIC as the appellant may lead to anomalous results such as:-



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- *After transposition Sh. Karam Singh, became an appellant and in that capacity he would be entitled to withdraw the appeal in order to practically take away the statutory rights of the Apeejay School conferred U/s 11 & 19 (2) of the RTI Act.*
- *An appellant is not entitled to travel beyond the grounds of challenge pleaded in the appeal. Therefore after his transposition Sh. Karam Singh being the appellant would have to subscribe to the grounds taken by his adversary-Apeejay School in the appeal.*

It is basic principal of the administration of justice that an act of the court/adjudicating authority should not cause prejudice any party, and every court/authority has inherent powers to correct any mistake by recalling the order.

7. Therefore, in the interest of justice the anomalous situation created by the order dated 03.08.2022, passed by former SIC Sh. Sanjiv Garg need to be rectified by recalling the said order and is ordered accordingly. Parties originally arrayed at the time of registration of this appeal case are restored.

8. A copy of this order be sent through registered post to above-said parties to represent this case in person or through their representative on the next date fixed alongwith their written-submissions as well.

9. To come up on **18.01.2023 at 12:00 P. M. for hearing in the Commission.** Copies of the orders be sent to the parties.

Date :26th December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab