

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 588 of 2017 with

The Council of Higher Secondary Education, Manipur.

...Petitioner

- Versus -

The Manipur Information Commission & Anr.

...Respondents

MC(WP(C)) No. 316 of 2017

The Council of Higher Secondary Education, Manipur.

...Applicant

- Versus -

The Manipur Information Commission & Anr.

...Respondents

**B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH**

ORDER

2.5.2019

[1] Heard Mr. N. Zequeson, learned counsel appearing for the petitioner and Ms. R.K. Emily, learned counsel appearing for Respondent No. 1. None is present for Respondent No. 2.

[2] The genesis of the case is that the Respondent No. 2 wanted to submit his application dated 26/5/2017 under the RTI Act and according to him, the council refused to receive the application on the same day which compelled him to approach the Manipur Information Commission by way of a complaint being Complaint Case No. 22 of 2017. A notice dated

27/5/2017 was issued to the SPIO/Secretary, Council of Higher Secondary Education, Manipur wherein it was informed that the matter would be listed on 7/6/2017. On 7/6/2017 when the complaint came up for consideration, no one was present on behalf of the SPIO/Secretary, Council of Higher Secondary Education, Manipur and accordingly, the Commission passed an order directing the SPIO, Secretary, Council of Higher Secondary Education, Manipur to receive the RTI application dated 26/5/2017 filed by Respondent No. 2 and dispose of the same and accordingly, another notice dated 17/7/2017 was sent to the SPIO/Secretary, Council of Higher Secondary Education, Manipur informing that the matter would be listed again on 1/8/2017. On receipt of the said notice dated 17/7/2017, a written statement on behalf of Respondent No. 1 was filed wherein it had been stated that the RTI application dated 26/5/2017 was received by the council and on receipt thereof, it was disposed of on 1/6/2017 informing the Respondent No. 2 to apply in the prescribed format on payment of necessary fees. It is further stated that the order dated 7/6/2017 was passed ex parte by the Commission/Respondent No. 1. After having considered the submission of the parties, the Commission in order to satisfy itself that the application of the Respondent No. 2 was really received by council, took a decision on 1/8/2017 by which the SPIO/Secretary, Council of Higher Secondary Education, Manipur was directed to produce proof of taking receipt of the original RTI application dated 26/5/2017 of the complainant by bringing the concerned receipt register and related file in which the RTI application was processed and disposed of on 1/6/2017.

[3] Being aggrieved by the said decision dated 1/8/2017, the instant writ petition was filed by the council. On perusal of the decision dated 1/8/2017, it is seen that the Commission has not disposed of the complaint nor has it passed adverse order against the petitioner. A submission was made by the petitioner to the effect that the application of the Respondent No. 2 was received and disposed of and that the order dated 7/6/2017 was passed ex parte. So far as the order dated 7/6/2017 is concerned, the statement given in the objection appears to be incorrect for the reason that the notice dated 27/5/2017 was received on the same day as is evident from the endorsement found on the notice as Annexure- A/2.

[4] In view of the above, list the matter on 21/5/2019 (Tuesday). Shri N. Zequeson, learned counsel appearing for the petitioner is directed to seek instructions in the matter and an endeavour shall be made to dispose of the matter on the next date.

JUDGE

Victoria