



Order reserved on 16.10.2025
Order pronounced on 14.01.2026
Order uploaded on 14.01.2026

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1707 of 2012

1. High Court of Chhattisgarh through Registrar General, Bilaspur, District Bilaspur, CG
2. The Public Information Officer, High Court of Chhattisgarh, Bilaspur CG., District Bilaspur, Chhattisgarh

--- Petitioners

versus

1. Rajkumar Mishra son of late Shri Ganesh Prashad Mishra, R/o Haldibadi, Chirmiri Distt. Koriya Chhattisgarh.
2. The State Information Commission through the State Information Commissioner, Nirmal Chhaya Bhawan Meera Datar Road, Shankar Nagar, Raipur Chhattisgarh

--- Respondents

WPC No. 323 of 2013

1. High Court of Chhattisgarh through Registrar General, Bilaspur, District Bilaspur, CG
2. The Public Information Officer, High Court of Chhattisgarh, Bilaspur CG., District Bilaspur, Chhattisgarh

--- Petitioners

versus

1. Rajkumar Mishra son of late Shri Ganesh Prashad Mishra, R/o Haldibadi, Chirmiri Distt. Koriya, Chhattisgarh.



2. The State Information Commission through the State Information Commissioner, Nirmal Chhaya Bhawan, Meera Datar Road, Shankar Nagar, Raipur Chhattisgarh

--- Respondents

WPC No. 1525 of 2019

1. Public Information Officer, High Court of Chhattisgarh Bodri, Bilaspur, District Bilaspur, CG
2. First Appellate Authority (Right to Information), High Court of Chhattisgarh, Bilaspur CG. District Bilaspur, Chhattisgarh

--- Petitioners

versus

1. Chhattisgarh State Information Commission through its Secretary, First Floor, Indravati Block, Shashtri Chowk, Raipur, District Raipur Chhattisgarh
2. Rajkumar Mishra son of late Shri Ganesh Prashad Mishra, aged about 48 years R/o Haldibadi, Chirmiri Distt. Koriya Chhattisgarh.

--- Respondents

For Petitioners	: Shri Amrito Das, Shri Abhijeet Mishra and Shri Yashraj Verma, Advocates
For Respondent - CGSIC	: Shri Shyam Sunder Lal Tekchandani, Advocate

Private respondent appeared through VC

(Hon'ble Shri Justice Sachin Singh Rajput)

C A V Order

In all the above Writ Petitions the order passed by State Information Commission directing the petitioners herein to provide information sought for by the applicant Rajkumar Mishra pertaining to complaints made against the three judicial officers of the State of Chhattisgarh, the certificates submitted by them to secure the job and also as regards to departmental enquiry and other enquiry initiated against them, is under challenge. Since the issue



involved in all these three Writ Petitions is identical, they are being disposed of by this common order.

2. For convenience, the facts are taken from **WPC No. 1525 of 2019**. Private respondent Rajkumar Mishra made an application seeking certain confidential information with regard to the three judicial officers of the entire State of Chhattisgarh, which however was rejected on 17.07.2017. First Appeal preferred against the order dated 17.07.2017 also came to be dismissed vide order dated 08.09.2017. Chhattisgarh State Information Commissioner vide order dated 07.01.2019 however allowed the Second Appeal preferred under Section 19(3) of the Right to Information Act, 2005 (for short “the RTI Act”) directing the petitioner – Information Officer to provide the information sought for within a period of 30 days from the date of order, free of cost through registered AD. It is this order which has been assailed by the petitioner in these petitions.

3. Learned counsel for the petitioners make the following submissions:-

3.1 that the impugned order dated 07.01.2019 is absolutely without jurisdiction and therefore *non est* and void in the eye of law;

3.2 that the statutory duty as conferred upon the authority has to be discharged only in the manner as has been provided under the statute, and therefore it was mandatory for the State Information Commission to have passed an order on the second appeal instead of it being passed by the Commissioner alone;

3.3 that Section 15(1) of the RTI Act relates to constitution of a “body” to be known as the ‘State Information Commission’ and Section 15(2) provides for the members of the said Commission, and thus it is evident that the State Information Commission is a body consisting of multi members and members



are referred to as the State Information Commissioners;

3.4 that Section 19(3) of the RTI Act provides for an appeal before the State Information Commission and Section 19(7) thereof provides that the order passed by the State Information Commission shall be binding on all the parties, therefore, it is writ large that the second appeal has to be heard and decided by the State Commission as has been constituted under Section 15 and the final orders are to be passed by the State Commission being a multi member body and not by a member alone, because a member alone passing the order is *corum non judice*, and therefore the order impugned is absolutely without jurisdiction and is contrary to law;

3.5 that the State Information Commission acted in a highly insensitive and arbitrary manner without examining the fact as to what is the nature of information being sought, and whether the same can be provided under the provisions of the RTI Act;

3.6 that the State Information Commission has utterly failed to appreciate the ratio laid down by the various judgments of different Courts, and without due application of mind the order impugned has been passed;

3.7 that the Right to Information is indeed a right flowing from Article 19(1) (a) of the Constitution of India, therefore, the said right is not an absolute right and controlled by reasonable restrictions contained in Article 19(2) of the Constitution of India;

3.8 that while passing the impugned order the State Information Commission should have examined whether the information being sought for was in any manner in existence or accessible to the concerned Public Information Officer, but it has utterly failed to consider this vital aspect of the matter, and being so the order impugned is absolutely contrary to the statutory scheme of the RTI Act itself;



3.9 that the State Information Commission has failed to consider that the Public Information Officer cannot conduct a roving enquiry with reference to the information sought for by the applicant, and it just proceeded on a presumption as to the availability of the said information with it;

3.10 that the information sought for in this case does not qualify to be 'information' as has been defined under Section 2(f) of the RTI Act, and for that the Public Information Officer had rightly rejected the said application.

3.11 Referring to Section 8(1)(j) of the RTI Act it is submitted that the petitioners are exempted from providing the information sought for by the applicant/private respondent as it relates to personal information of the judicial officers and cannot be disclosed unless it relates to some public purpose.

3.12 Reliance is placed on the decisions of the Supreme Court in the matter of **Khanapuram Gandaiah v. Administrative Officer** reported in **(2010) 2 SCC 1**, in the matter of **Girish Ramchandra Deshpande v. Central Information Commissioner and others** reported in **(2013) 1 SCC 212**, in the matter of **Central Board of Secondary Education and another v. Aditya Bandopadhyaya and others** reported in **(2011) 8 SCC 497**, on the decision of this Court in the matter of **Ajit Pramod Kumar Jogi v. High Power Certification Scrutiny Committee and another** rendered in **WPC No. 2104/2017**, and on the decision of **Himachal Pradesh High Court** in the matter of **Virender Kumar v. P.S. Rana and another** reported in **AIR 2007 HP 63**.

4. On the other hand, learned counsel for respondent/SIC supports the order impugned and referring to Section 8(1)(j) of the RTI Act submits that the information that cannot be denied to Parliament or a State Legislature, cannot be denied to an individual also, and therefore merely disclosing a



person's name is not in violation of their privacy. He submits that the order impugned directing the petitioners to provide information to the applicant within a time-frame is absolutely justified and the petitions being devoid of substance are liable to be dismissed.

5. The private respondent/applicant who is connected from video confeencing submits that the information sought for by him does not relate to invasion upon privacy or confidentiality of any person and therefore the order impugned directing the information officer to provide the information sought for, is fully justified and needs no interference in this petition. This apart, he submits that the information sought for by the private respondent is regarding the the documents used for securing the job as also pertaining to the departmental enquiry and other inquiries, and being so they do not pertain to the be of fiduciary character. In support of his submission, reliance is placed on the decision of Supreme Court in the matter of **CPIO, Supreme Court of India v. Subhash Chandra Agrawal** reported in **(2020) 5 SCC 481**.

6. Heard counsel for the parties and perused the relevant provisions, the documents filed along with the petitions as also the orders impugned therein.

7. The issue raised by learned counsel for the petitioners that as per Section 15(1) of the RTI Act the body known as State Information Commission consists of multi members and the members are referred to as the State Information Commissioners, and therefore, the second appeal has to be heard and decided by the State Commission and not by a member alone, does not appear to be of any substance and is liable to be rejected. The RTI Act which provides for the Public Information Officer, then the First Appellate Authority and then the Second Appellate Authority depending upon the facts and circumstances of the case, and being so each member of the



State Information Commission and the Central Information Commission is equally competent to decide the issue involved on its own merits and there is no question of the Commissioner alone usurping the jurisdiction of the Commission and passing the order in his individual capacity, as argued by the counsel for the petitioners. The decisions sought to be relied upon by the counsel for the petitioners to fortify this argument in the matter of *Virender Kumar* (supra) and *Ajit Pramod Kumar Jogi* (supra) being not exactly on the issue that one member of the Commission would not form the coram to decide the second appeal, does not appear to be of any help to the petitioners in this case. Dealing with almost same issue, it has been held by the Supreme Court in the matter of **Central Information Commission v. DDA and another** reported in **(2024) 8 SCC 812** that absence of an explicit provision for Benches does not negate the CIC's authority to constitute them, as such powers are implicitly included within the scope of the CIC's general superintendence and management responsibilities. Further, the broad language of the RTI Act indicates an intention to grant the CIC comprehensive authority to ensure the effective and efficient functioning of the commission. Relevant portion of the said decision reads as under:-

“17. The absence of an explicit provision for Benches does not negate the CIC's authority to constitute them, as such powers are implicitly included within the scope of the CIC's general superintendence and management responsibilities. The broad language of the RTI Act indicates an intention to grant the CIC comprehensive authority to ensure the effective and efficient functioning of the Commission. The Delhi High Court's narrow reading of the provisions overlooked the inherent of the CIC to manage the affairs of the Commission. The RTI Act's broad language suggests that legislative intent was to provide the CIC with the necessary authority to implement measures that ensure the Commission's effective operation.



18. In the present case, the RTI Act should be interpreted purposively, taking into account the broader objectives of the legislation. The purpose of the RTI Act is to promote transparency and accountability in the functioning of public authorities, ensuring citizens' essential that the Central Information Commission operates efficiently and without undue procedural constraints. The principle of purposive interpretation supports the view that the CIC's powers under Section 12(4) of the RTI Act includes all necessary measures to manage and direct the Commissioner's affairs effectively. This includes the ability to form Benches to handle the increasing volume of cases. The formation of Benches allows for the efficient allocation of work and ensures the timely disposal of cases, which is crucial for upholding the right to information.

8. This Court also does not find any substance in the argument of the Counsel for the petitioners that the State Information Commission has failed to consider that the Public Information Officer cannot conduct a roving enquiry with reference to the information sought for by the applicant. The State Information Commission has nowhere asked the petitioners in this case to create the information and then to provide the same to the applicant. Rather, being the repository of the record pertaining to the judicial officers, the information sought for can well be said to exist and accessible to the public authority as is provided under Section 6 of the RTI Act. From the definition of information itself it is crystal clear that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. At the same time, there is no substance in the argument that the information sought for in this case does not qualify to be 'information' as has been defined under Section 2(f) of the RTI Act, and for that the Public Information Officer had rightly rejected the said application.



9. Further, in the case in hand the persons in relation to whom the information has been sought for happen to be the judicial officers posted in the State of Chhattisgarh and the said information must have been kept confidentially by their employer – the petitioners in these cases. What emerges in this case is that the performance of employee/employer exists in an organization and their relations are governed by the relevant service rules, which falls under the expression “personal information. Dealing with an identical issue it has been held by the Supreme Court in the matter of *Girish Ramchandra Deshpande v. Central Information Commissioner and others* (supra) as under:-

“12. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notices and orders of censure/punishment etc, are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/employer in an organization is primarily a matter between the employee and employer and normally those aspects are governed by service rules which fall under the expression “personal information.” the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.”

10. Now yet another aspect which is required to be considered by this Court is the exception to Section 8 of the RTI Act. Section 8 of the RTI Act enumerates the cases where the public authorities are exempted from disclosure of confidential information, either absolutely or subject to some



discretion provided to the authority under the Act. This Section starts with *non obstante* clause, sub sections (e) and (j) of which being relevant in this case read as under:-

Section 8(1) - Notwithstanding anything contained in this Act, there shall be no objection to give any citizen:

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.

(j) information which relates to personal information the disclosure of which has no 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.”

11. According to the Black’s Law Dictionary, the word “fiduciary” means one who owes to another duties of faith, trust confidence and candour and a “fiduciary relationship” is a relationship in which one person is under a duty to act for the benefit of another on matters within the scope of relationship. Fiduciary relationship, thus, means the relationship of trust and confidence and, when confidence is reposed by any person to other person, then presumptions under the law would be the “fiduciary” e.g. person in whom such confidence is reposed will not betray it. The complaints, documents and the certificates submitted by the judicial officers of the State of Chhattisgarh to secure the job sought under the RTI Act would be in the nature of fiduciary capacity and being so they cannot be disclosed unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.

12. Thus if a composite view of the aforesaid legal provision and the



decision of the Supreme Court is taken into consideration, it becomes amply clear that the information sought for in these cases qualifies to be a personal information, disclosure of which has no relationship to any public activity or public interest. The applicant seeking such information under the RTI Act is required to establish that there exists a large public interest which he has utterly failed to do.

13. In the cases in hand, the information sought to be had pertains to the judicial officers of the State of Chhattisgarh which have been kept safely and confidentially by their employer (the petitioners herein) and a bare perusal of the application made under Section 6 (1) of the RTI Act does not show that such information was required for any public purpose, rather it appears to have been sought for the personal use of the applicant. Besides, the information sought for is maintained by the petitioners being employer of the judicial officers can be treated as records pertaining to personal information of those judicial officers and publication of the same is prohibited under Section 8(1)(j) of the RTI Act, as this is the matter between the employer and the employee and are governed by the Service Rules, therefore, falls under the expression “personal information” and disclosure of which has no relationship to any public activity or public interest as held by the Supreme Court in the matter of Girish Ramchandra Deshpande (supra).

14. The decision cited by the private respondent in the matter of *CPIO, Supreme Court of India* (supra) being with regard to the disclosure of transparency in the collegium system for elevation of judges as also regarding the details of assets of the judges, is distinguishable on facts of the present case and therefore not applicable herein.

15. Moreover, this Court in the matter of *Public Information Officer High*



Court of Chhattisgarh v. Chhattisgarh State Information Commission and others reported in Manu/CG/1692/2024 has distinguished the judicial officers from other officers holding as under:-

“16. The decision of Hon’ble Supreme Court in *Dev Dutt* (supra) is in the context of civilian employees of the government. The judicial service is not the service in the sense of ‘employment’. Judicial service cannot be equated with service of other officers of the Government. A Judicial Officer is not an ordinary government servant. As members of the judiciary, the judicial officers exercise the sovereign judicial power of the State. They are not subjected to the same disciplinary control as the government employees are. Administrative, judicial and disciplinary control over the members of judicial service is vested by the Constitution of India in the High Court. In other words, the Judicial Officers of the State come under the administrative and disciplinary control of the High Court as contemplated under Article 235 of the Constitution of India and the High Court is empowered to follow its own procedure in the matter of recording of annual confidential reports.

17. All the entries including narratives/notings/comments in the annual confidential report of a judicial officer if disclosed, the potential of severely limiting the disciplinary control of the superior judicial authority over their subordinates and, to that extent, may not be in a larger public interest of maintaining discipline in the judiciary. It must be remembered that unlike the civilian employees of the government, the judicial officers are not subjected to disciplinary or vigilance control of multiple oversight bodies and are strictly regulated by the High Court itself. This has been done obviously for maintaining the autonomy and independence of the judiciary. Further, it may also lead to harming public interest in terms of compromising objectivity of assessment which is the core and the substance of annual confidential report. Hence, compelling the petitioner to disclose entire annual confidential report of a judicial officer, as in this case of respondent No.2, is not likely to serve that larger goal.”



16. In view of the aforesaid factual and legal position, the orders impugned passed by the Chhattisgarh State Information Commission asking the petitioners to provide the information described above which has the character of being personal one, are ill founded and liable to be set aside. They are accordingly set aside.

17. Petitions are hereby allowed accordingly.

Sd/-

(Sachin Singh Rajput)
Judge

Jyotishi/pawan