

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 3469 of 2013****In LETTERS PATENT APPEAL NO. 799 of 2013****In SPECIAL CIVIL APPLICATION NO. 4150 of 2012****With****LETTERS PATENT APPEAL NO. 799 of 2013****In SPECIAL CIVIL APPLICATION NO. 4150 of 2012**

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KETAN PRADYUMNA BHATT....Applicant(s)

Versus

BOARD OF GOVERNORS IIM-A & 4....Respondent(s)

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Appearance:

PARTY-IN-PERSON, ADVOCATE for the Applicant(s) No. 1

DS AFF.NOT FILED (R) for the Respondent(s) No. 1 - 5

MR NANDI CHUDGAR with MR KUNAL J VYAS for NANAVATI ASSOCIATES,
ADVOCATE for the Respondent(s) No. 2 , 4

NOTICE SERVED BY DS for the Respondent(s) No. 1 , 3 , 5

RULE SERVED for the Respondent(s) No. 3

RULE SERVED BY DS for the Respondent(s) No. 1 - 5

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CORAM: **HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

and

HONOURABLE MR.JUSTICE MOHINDER PAL

OF GUJARAT

Date : 17/06/2013

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ORAL ORDER**(PER : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI)**

1. One Ketan P.Bhatt, appearing as party-in-person, invited attention of the Court to the fact that the present civil application is filed seeking condonation of delay of 125 days caused in preferring the LPA. Notice was issued on this civil application on 02.4.2013 returnable on 15.4.2013 and

M/s.Nanavati Associates appeared for respondent Nos.2 & 4 in this civil application. Respondent No.1 is the Board of Governors IIM-Ahmedabad. Respondent No.3 is the Chief Information Commissioner (CIC) and Respondent No.5 is Public Information Officer (PIO) IIM-Ahmedabad. The reasons set out for delay is in paragraph 2 of the application, which reads as under:

“The Applicant submits that he is a first time litigant. And that he took some time to understand ramifications of the learned single Judge order which partly granted his prayers. He also took some time to decide whether and how he will challenge the order of the learned single Judge. The Applicant consulted the learned advocate of his petition and expressed his willingness to challenge the learned single Judge order. The learned advocate who conducted the Applicant’s original petition refused to appear in the Letters Patent Appeal as she was very busy at that point of time due to some reason. Thereafter Applicant also approached few other advocates but for some reasons he could not find out and engage a lawyer to appear on his behalf in the Letters Patent Appeal.”

1.1 In view of the aforesaid submissions, the matter requires consideration. **RULE.** Learned advocates M/s.Nanavati Associates waived service for respondent Nos.2 and 4. So far as condonation of delay is concerned, the other respondents are not the contesting parties. Hence, this civil application is allowed and Rule is made absolute.

2. Letters Patent Appeal (St.) No.504 of 2013 is taken up for consideration. Registry to give regular number.

3. We heard party-in-person Ketan P.Bhatt. The party-in-person gave history of the controversy involved in the matter. The party-in-person submitted that he is a computer centre staff in IIM and his designation is computer professional. He joined IIM in the year 1987 and the dispute arose in the year 1991 when qualifications were arbitrarily changed by IIM. The party-in-person submitted that, in the year 1993 there came an advertisement for recruitment of head of computer centre and friction between the party-in-person and the IIM increased thereafter. It is the case of the party-in-person that wife of one faculty member was recruited to the post of head of computer centre, though she was having the same qualifications as that of the party-in-person. Be that as it may, the same thing becomes insignificant for the fact that, till 2008 the party-in-person did not take recourse to any remedy to ventilate his grievance.

4. It so happened that, in 2008 the appellant was project leader of enterprise resources planning. According to the party-in-person, it was a project of about Rs.5 crore and in that project, it was alleged against the party-in-person that he is favouring a particular vendor and on that ground he was relieved from the responsibilities of project leader. That increased the rift between the party-in-person and the employer-IIM. It is thereafter that the party-in-person asked for some information – information sought for was the Minutes of the Committee to whom the appellant used to report.

4.1 What is important is the appellant asked for Minutes of the Committee (Computer Committee) right from 1991 in

the year 2010. It is the case of the party-in-person that the IIM replied to the party-in-person that the information consists of 25000 pages and if it is to be charged @ Rs.2/- per page, an amount of Rs.50,000/- is required to be deposited by him. It is the case of the party-in-person that he challenged this order before CIC and the CIC, on considering the submissions made by the party-in-person, directed IIM to supply the aforesaid information free of cost. It is the case of the party-in-person that, on 19.5.2010 some persons in sumo vehicle came to his place and delivered him 23000 pages. It was just before the date of the impugned resolution which was passed in a meeting convened on 20.5.2010 whereby the Board of Governors resolved as under:

“Item 7 Any other matter:

Board expressed concern on the increasing request received by the Institute under the RTI Act 2005. Many of the requests appeared to be from vested interests. Some of the information collected was being quoted out of context in the media. This could cause avoidable harm to the Institute. It was decided that Director should use his own discretion in providing information on RTI queries and the Board would support the his decision.”

4.2 The party-in-person vehemently submitted that this resolution is violative of his fundamental rights and the party-in-person has the fundamental right to have the information which are provided under the RTI Act and, therefore, this resolution should be declared to be *ultra vires* and he should be granted necessary relief. It is thereafter that the party-in-person approached this Court by filing SCA No.4150 of 2012. The petition was affirmed on 27.3.2012. The matter was considered by learned single Judge and learned single Judge

was pleased to dismiss the same by judgment and order dated 15.10.2012. It is against this order that the present LPA is preferred.

5. There was delay in filing the appeal, for which a civil application seeking condonation of delay was filed which is considered by this Court and delay is condoned. On merits, we perused the order of learned single Judge and we find that learned single Judge has not committed any error in passing the order impugned in the appeal. We find no merits in the appeal and, therefore, the appeal is dismissed.

6. At this juncture, the Court would like to add that the present case is one of the cases wherein the benevolent legislation of RTI is misused and information in the nature of Minutes of Computer Committee right from 1991 are sought in the year 2010. We restrain ourselves from commenting anything further in this matter, but it is really surprising that the person remains in job right from 1991 till 2010 and then on one fine morning in 2010 he demands information starting from 1991 from his employer under the RTI Act .

Sd/-

(RAVI R.TRIPATHI, J.)

Sd/-

(MOHINDER PAL, J.)

(KMGThilake)