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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8984/2019**

RYAN INTERNATIONAL SCHOOL

.....Petitioner

Through: Mr. Romy Chacko, Senior Advocate
with Mr. Ashwin Romy, Mr. Sachin
Singh Dalal, Mr. Akshat Singh and
Mr. Joe Sebastian, Advocates.

versus

CENTRAL INFORMATION COMMISSIONER AND ORS.

.....Respondents

Through: Mr. R.K. Malik, APO (DoE) for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.10.2024

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1. The Petitioner - Ryan International School, assails the order dated 14th May, 2019, passed by Central Information Commission¹ directing the Petitioner to disclose information regarding the service details of its employees working in the Petitioner's school.

FACTS AND CONTENTIONS OF PETITIONER:

2. The facts leading to the filing of the present writ petition, is as follows:

2.1. on 19th April, 2017, Respondent No. 3 – Mr. Anuj Kumar Sharma, filed an Right to Information application with Respondent No. 2 – the Public

¹ "CIC"



Information Officer², Directorate of Education³, seeking the following information:

- “1. *In Ryan International School, Mayur Vihar Phase-3 branch, has the service book of every employee of the school been prepared and updated in respect of leave account, annual increment entries (signed by employee), financial benefit entries and other relevant entries?*
2. *In Ryan International School, Mayur Vihar Phase-3- branch, please provide list of names of presently working employees whose service book is maintained and updated.*
3. *In Ryan International School, Mayur Vihar Phase-3 branch, please provide list of names of presently working employees whose service book is not maintained and updated.*
4. *In Ryan International School, Mayur Vihar Phase-3 branch, has the service book (photo copy) been provided to all the presently working employees of the school as per the guidelines of directorate of education?*
5. *In Ryan International School, Mayur Vihar Phase-3 branch, does the school management provide financial benefits applicable to its employees as per rules and guidelines laid down followed by the directorate of education, Delhi Administration?*
6. *In Ryan International School, Mayur Vihar Phase-3 branch, dose the school head / the authorized official communicate in writing to school employees in detail about grant of financial benefits on account of promotion / ACP /MACP? please provide certified copies of such communications made by school during last 5 years.*
7. *In Ryan International School, Mayur Vihar Phase-3 branch, dose the school head / the authorized official communicate in writing about conduct related matters? Please provide certified copies of such communications made by school during last 5 years.*
8. *In Ryan International School, Mayur Vihar Phase-3 branch, dose the school head / the authorized official provide declaration to zonal / district office to the effect that the employees have been granted financial benefits as per specified guidelines? Please provide certified copies for such declaration made by school during last 5 years.*
9. *In Ryan International School, Mayur Vihar Phase-3 branch, please provide the certified copies of promotion orders/ACP orders/ MACP orders passed and implemented by school in the last 5 years in respect of school employees.”*

² “PIO”

³ “Do E”



2.2. Through a communication dated 27th May, 2017, the CPIO informed Respondent No. 3 that his RTI application had been sent to the Petitioner school for information and the reply would be sent to him as and when the same is received by the DoE. However, dissatisfied with such a reply of the CPIO, on 18th June, 2017, Respondent No. 3 filed first Appeal under the Right to Information Act, 2005⁴, which was decided through order dated 25th July, 2017 whereby, the PIO was directed to provide the revised reply to Respondent No. 3.

2.3. In compliance with the order of First Appellate Authority, the PIO through communication dated 3rd August, 2017 forwarded the response of the Petitioner school denying the disclosure of information to the Respondent No. 3 on the grounds that the school does not fall within the purview of the RTI Act as it is not a public authority. Aggrieved by such non-disclosure of information, Respondent No. 3 filed the second appeal before the CIC on 27th August, 2017. Subsequently, after considering the facts of the case, the CIC directed as follows:

“Decision

1. *The Commission cannot accept the averments of the respondent justifying the non disclosure of information based on the denial by the school. Whether the school is a public authority or not is not the determinant factor in this case, but the queries raised by the appellant relate to information which should be available with the respondent, as a monitoring and regulatory agency of the State. The respondent's responsibility does not end with simply stating the school's stance. Most of the information sought in the nine points by the appellant, are such as should be accessible to the respondent as per provisions of the DSEAR (Delhi School Education and Rules) Act. The PIO/ADE has filed a written statement, which primarily demonstrates their helplessness citing*

⁴ “RTI Act”



the outright denial from disclosure of any information to the appellant on the ground that the school being a private unaided school does not fall within the ambit of the RTI Act.

2. *The role and responsibility of the office of the Dte. Of Education as per the DSEAR Act, 1973, is clearly that of a supervisory and regulatory authority over all the schools operating within the Union Territory of Delhi to ensure quality education is imparted to the students in Delhi schools. Provisions in the DSEAR Act specifically provide for stipulations and mandates applicable exclusively to the "Unaided schools" meaning thereby that the unaided schools do fall within the purview of the DSEAR Act and are answerable to the Dte. Of Education and are accountable on multiple counts before the respondent. Every school which is recognised by the Directorate of Education is amenable to the provisions of the DSEAR Act, 1973. The DSEAR Act, 1973 includes Sections 50, 55 and 56 which lay down inter alia specific conditions for grant and for suspension/ withdrawal of the recognition granted to the school. Thus it can be inferred that violation of the specific provisions as applicable to the United School/s can lead to suspension or withdrawal of the recognition of the school. Section 15 of the DSEAR Act provides the specific terms and conditions of Contract Of Service of the employees of the unaided schools. Violation of these provisions should be enquired into and monitored by the Dte. Of Education, in terms of the DSEAR Act.*
3. *The Rule 190 of the DSEAR Rules provides for inspection and supervision of schools.*
 - (1) *The Director shall be responsible for the supervision and inspection of all recognised schools, whether aided or not.*
4. *It is unfortunate to note that the Directorate of Education, instead of exercising its regulatory and supervisory authority over the school, has resorted to the role of merely conveying the decision of these schools.*
5. *It has been held on numerous occasions in the past by the Commission that the Directorate of Education cannot plead helplessness or powerlessness and choose to hide behind the school's denial of information, simply parroting their lines. A co-ordinate Bench of this Commission had decided similar subject matter, in the case of Rajwanti Agrawal vs. Dte. Of Education/CIC/A/2013/000122-SA) vide order dated 20.05.2014*



holding as follows:

“5. The Commission in a number of cases involving the respondent authority came across cases whereby they have shown their inability to procure information if the school involved was private unaided school. The respondent authority had submitted in those cases that the information was not provided to them under Rule 180 of the Delhi School Education Rules, 1975 and that they had no other source to collect the information or that it was not under their possession. The Commission finds it necessary to explain certain significant provisions of the Delhi School Education Act & Rules, 1973 so that the respondents understand that they were given enough regulatory power to secure the information from schools...”

6. *The respondent-Director of Education duly empowered by the DSEAR Act is expected to exercise proper control and monitor the functioning of the schools by making it necessary for the schools to submit necessary documents in terms of the DSEAR Act. The documents mandatorily submitted by the schools to the public authority, must contain the necessary information, accessible to any citizen of this country, under RTI Act, 2005. The Directorate of Education through its Director is empowered with definite inherent powers to ensure that the Directorate possesses significant amount of information about the schools in the form of the mandatory documents and returns submitted by the school. Hence, in the light of this legal and factual position, the Commission cannot accept the contentions of the Respondent- Dte. Of Education that the records pertaining to employees working in the Ryan International School, and their conditions of service are neither available nor accessible to the respondent.*

In the light of the above discussion, the Commission hereby directs the PIO, Dte. of Education to exercise the inherent powers vested by the DSEAR Act and obtain the desired information from the concerned school within four weeks from the date of receipt of this order and provide the same to the appellant. Copy of the same should reach this Commission by 14.06.2019.

The appeal is disposed off with these directions.”



3. Therefore, in light of the above decision of the CIC, the Petitioner school has preferred the present writ petition under Article 226 of the Constitution of India, seeking inter-alia quashing of the aforementioned order dated 14th May, 2019 passed by the CIC⁵. After considering the Petitioner's contentions and while issuing notice in the matter, this Court through order dated 23rd August, 2019, passed an interim order staying the operation of the impugned order.

4. Subsequently, as noted in order dated 6th October, 2023 since service was not completed on Respondent No. 3 as he was served through e-mail, the Court directed the service to be affected *dasti*. Thereafter, on 6th August, 2024, the Court observed that as per the office noting Respondent No. 3 was served on 18th May, 2024, yet there was no appearance on his behalf. Thus, in absence of the appearance of Respondent No. 3, the Court has now proceeded to hear the matter finally.

ANALYSIS AND FINDINGS:

5. The Petitioner's contention is that the information which was being directed to be disclosed by the CIC is the personal information of its employees, which is exempted from disclosure under Section 8(1)(j) of the RTI Act. In this regard, reliance is placed on the judgment of the Supreme Court in ***Girish Ramchandra Deshpande v. Central Information Commissioner and Others***⁶, which reads as follows:

“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 (1) of Section 8(1) of the RTI Act. The performance of an employee/officer in an

⁵ “Impugned order”

⁶ (2013) 1 SCC 212



organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the 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 Officer 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.

13. *The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under clause (1) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information.*

14. *The petitioner in the instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.*

15. *We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed.”*

6. Having regard to the aforementioned judgment and the settled law on the matter, the Court finds merit in the contention of the Petitioner. The CIC has indeed directed the disclosure of information which is entirely personal information of the employees and as such this information stands exempted from disclosure under clause (j) of Section 8(1) of the RTI Act. Furthermore, nothing has been brought on record to show that the larger public interest is involved which requires the disclosure of such information even though it is exempted. The CIC has directed the Directorate of Education to call upon schools under its regulatory capacity to furnish certain information, however, the order does not consider the fact that the



information sought pertains to sensitive personal information and service records of the employees of the school. Therefore, in the opinion of the Court, the present writ petition deserves to be allowed and as such, the impugned order dated 14th May, 2019 passed by the CIC, is unsustainable and is accordingly set aside.

7. The present writ petition, along with pending application(s), if any, is disposed of.

SANJEEV NARULA, J

OCTOBER 4, 2024

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