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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4429 of 2019

Decided on: 03.07.2026

Manav Bharti University **.....Petitioner**

Versus

The State Information Commissioner and Anr **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Rupesh Kumar and Ms. Srishti Ramesh, Advocates.

For the Respondents: Nemo

Jyotsna Rewal Dua, Judge

Petitioner feels aggrieved against the order dated 05.11.2019 passed by respondent No.1 imposing upon it penalty of Rs. 10,000/- under Section 20 (1) of the Right to Information Act, 2005 (the Act in short) with further direction that in the larger public interest and transparency, the information sought by respondent No.2 be provided to him free of cost.

2. Heard and considered the case file.

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

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2(i) Respondent No.2 moved an application on 03.12.2018 under the Act, wherein he sought information pertaining to a candidate stated to have passed M.Tech in Civil Engineering from the petitioner-University. The information as desired by respondent No.2 was not supplied by the petitioner. The matter eventually reached respondent No.1. On behalf of the Public Information Officer of the petitioner-University, stand was taken that university is exempted from providing information in view of Sections 8(1)(e) & (j) and 11 of the Act.

2(ii) Respondent No.1 held that the information sought for by respondent No.2 does not infringe upon the privacy of a third party, rather, it relates to discharge of duties and has ramification for promoting transparency and accountability in the larger public interest. Operative part of the impugned order reads thus: -

> *"12 The Commission is of the view that the information sought by the appellant does not infringe upon the privacy of a third party and it closely relates with the discharge of duties and has definite ramification of promoting transparency and accountability in the larger public interest and to make accountable the Educational Institutions in order to contain corrupt practices and to hold every public authority accountable. The information neither falls in the category which can be exempted from disclosure, under the garb of personal information nor on the*

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grounds that the disclosure of the same has a relation to public activity or interest and which would cause un-warranted invasion of privacy of an individual.

13. *Further, as no satisfactory explanation to the show cause notice issued by the Commission has been given by the Respondent, the Commission imposes a penalty of Rs. 10,000 - (Rs. Ten Thousand only) as per section 20(1) of the RTI Act, 2005 which be deposited in' the Government Treasury in the relevant head of account.*

14. *In view of the above the Commission orders that in the larger public interest and transparency, the information sought by the appellant as available with the PIO, be provided to the appellant, free of cost, within 7 days from the date of receipt of this order and compliance of this order be given to the Commission."*

3. The information sought for by respondent No.2 was as under: -

"A candidate with degree Number MBU-1010-8919, Sr. No. 6051, Batch (2010-2012), Master of Technology in civil Engineering (Environment Science) from Manav Bharti University, Solan (Degree issued on June 2012).

Kindly provide:-

1. As per your record, is there any degree issued on June 2012, by Manav Bharti university Solan, H.P. for Batch 2010-2012 of Civil Engineering Department with Degree Number as above.

2. If issued, then please provide me the details of such candidate (Name, father name) to whom it was confessed."

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Section 8 of the Act provides exemption from disclosure of information in certain situations. Provision relevant to the context is extracted hereinafter: -

> *8. Exemption from disclosure of information. —*
>
> *(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen:- — (a) information, disclosure of which would prejudicially affect the*
>
> *a to d* .....
> *(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*
> *f to i* .....
> *(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"*

Section 11 pertains to third party information:-

> *"11. Third party information.—*
>
> *(1)* *Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of*

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the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information.

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part

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thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision."

Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal[2] holds that personal records including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets are all personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. Para reads as under:-

"70. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments,

[2] (2020) 5 SCC 481

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lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive."

4. In view of the law laid down by the Hon'ble Apex Court, the information sought by respondent No.2 was exempted under the Act being personal information pertaining to a third party. The larger public interest in providing such information to respondent No.2 is not borne out from the record.

In view of above, the impugned order dated 05.11.2019, passed by respondent No.1, cannot be sustained. The same is accordingly set aside. The writ petition to stand disposed of.

Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

July 3, 2026
R.Atal