

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 15120 of 2025

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HIMANSHU PARSOTTAMBHAI PARMAR
Versus
STATE OF GUJARAT & ORS.
=====

Appearance:
PARTY IN PERSON(5000) for the Petitioner(s) No. 1
MR SHIVANG M SHAH(5916) for the Respondent(s) No. 1
MS DISHA N NANAVATY(2957) for the Respondent(s) No. 2,3,4
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CORAM:HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 05/05/2026

ORAL ORDER

1. Present petition is filed by the party-in-person, petitioner herein under Articles 14, 15, 16, 19, 21, 38, 46, 226 and 335 of the Constitution of India and under the provisions of the Right to Information Act (hereinafter be referred to as “the RTI Act”) seeking the following reliefs:-

- (A) *YOUR LORDSHIP may be pleased to admit and allow this petition.*
- (B) *YOUR LORDSHIP may be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or directions directing to set aside the direction or order of Chief Gujarat Information Commissioner for A-4684-2024 and C-0145-2025 dated 15/09/2025.*
- (C) *YOUR LORDSHIP may be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or directions directing to quash the direction or order of Chief Gujarat Information Commissioner for A-4684-2024 and*

C-0145-2025 dated 15/09/2025.

- (D) YOUR LORDSHIP may be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or directions directing to the respondent authorities to provide information as requested in RTI applications dated 03/09/2024 and 30/11/2024 as per provisions of Section 2(F) of the Right to Information Act, 2005.*
- (E) YOUR LORDSHIP may be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or directions directing to provision of compensation to the RTI applicant (the petitioner) under Section 19(8)(b) of the Right to Information Act, 2005.*
- (F) Pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case.*

2. Brief facts of the present case are, in nutshell, as under:-

2.1 That the Government of Gujarat has issued resolution on 22.04.1983 regarding reservation of posts in the cadre of the Scheduled Castes and Scheduled Tribes, Socially Educationally Backward Classes and physically handicapped.

2.2 That the Education Department, State of Gujarat has directed 14 Public Universities for 11 months contractual appointment of teaching posts and out-sourcing of non-teaching posts, both against the sanctioned vacant posts.

2.3 That the petitioner has made an application under Right to Information Act on 06.09.2023 for total number of temporary teaching posts as per reservation, total number of application received for temporary teaching posts, list of selected and non-selected candidates based on reservation, SCs/STs representative in the

selection committee and other information from Faculty of Commerce, The Maharaja Sayajirao University of Baroda.

2.4 That the petitioner has made an applications on 01.01.2024 for prevailing reservation policy of State Government in appointment of temporary posts at General Administrative Department and Commissionerate of Higher Education, Government of Gujarat, Gandhinagar.

2.5 That the Maharaja Sayajirao University of Baroda had invited online application for the post of Temporary Assistant Professors and various other Teaching posts in different Departments of Faculties/ colleges/Institutions that are to be filled for 11 months of the Academic Year 2024-2025 purely on temporary basis Notification No. ADE/09/01/2023-2024 dated 11.03.2024.

2.6 That the petitioner has made an application on 19.03.2024 for total number of temporary posts, their classification based on reservation policy of State, Government of Gujarat resolution on conversion of sanctioned posts into non-sanctioned post for temporary appointment and head budget expenditure from the Maharaja Sayajirao University.

2.7 That the petitioner has made an RTI application for total number of temporary teaching posts as per reservation, total number of application received for temporary teaching posts, list of selected and non-selected candidates based on reservation, SCs/STs representative in the selection committee and other information at Faculty of Commerce, The Maharaja Sayajirao University of Baroda.

2.8 That the petitioner has made an application for total number of temporary teaching posts as per reservation, total number of application received for temporary teaching posts, list of selected and non-selected candidates based on reservation, SCs/STs representative in the selection committee and other information from The Maharaja Sayajirao University of Baroda.

2.9 That the Gujarat Information Commission has fixed the hearing of second appeal for Appeal No. A-4684-2024 and Complaint No. C-0145-2025 through online mode. The Commissioner has passed the common order in appeal and complaint on 15.09.2025.

2.10 That the petitioner has informed for about incomplete order / direction by the Gujarat Information Commission and also requested to modify the order as per the information requested in the application. The Public Information Officer of Faculty of Commerce has provided arbitrary, incomplete typed information without supporting of office records based on the order/ direction of the Gujarat Information Commission on 15.09.2025.

2.11 That the petitioner has made a representation on 04.10.2025 before the Chief Gujarat Information Commissioner for providing arbitrary, incomplete typed information by the Public Information Officer of Faculty of Commerce, The Maharaja Sayajirao University of Baroda. The petitioner has also made representation before the Governor of Gujarat for incomplete order / direction by the Gujarat Information Commission and also informed that the Public Information Officer of Faculty of Commerce has provided arbitrary, incomplete typed information without supporting of office records.

3. Being aggrieved by the inaction on the part of the respondents, the present petition is filed.

4. Heard party-in-person - petitioner herein, learned counsel for respondent No.1 and learned counsel for respondents No.2, 3 and 4.

5. The party-in-person has submitted the same facts which are narrated in the memo of petition and has also submitted that the decision taken by the respondent - authorities directing the various departments to provide appointment information of respective posts is illegal, unjust and improper. He has submitted that the University had not complied with prevailing reservation policy of the State for appointment of temporary teaching posts and the respondents - authorities have provided incomplete and typed information without supporting office records. He has submitted that the University has not complied with the circular dated 03.05.2022 issued by the Education Department, Gandhinagar and even not uploaded the list of selected candidates.

5.1 The party-in-person has further submitted that respondent No.1 has passed the order in violation of the guidelines issued Ministry of Personnel and Public Grievance and Education Department more particularly clause 15 of the guidelines.

6. The respondent No.3 has filed the affidavit-in-reply opposing the petition and dealt with the contentions raised by the party-in-person in the memo of petition.

7. The respondent - No.1 authority has, while passing the order and disposing the appeal, has observed as under:-

“ The Public Information Officer is informed in the said details of the joint that as per the said submission of the dispute / complainant, if the category wise number has been indicated under the reservation policy at the time of advertisement of the Temporary Assistant Professor for the Faculty of Commerce of Maharaja Sayajirao University during the year 2024-25, then the number or the reply as per the said submission and the list of names of the candidates on the sequential selection list and waiting list prepared taking into account the merit of the candidates in the context of the advertisement given during the year 2024-25 and the cut off marks fixed for fixing the list, the dispute / complainant shall be informed within 10 days from the date of receipt of the order of the Information Commission, it should be sent to the complainant free of charge by speed post.

8. This Court has considered the facts and circumstances of the case and the submissions and perused the material placed on record. On perusal of the affidavit-in-reply, the respondent - authority has clarified that the information which was sought for by the petitioner was supplied, as per the order passed by the Commission. It is also observed by the authorities that the petitioner was in habit of making an application under the provisions of the RTI Act and as many as more than 25 applications have been filed one after another. While passing the order, respondent No.1 has made the following observations.

“The Commission expects that henceforth the complainant / complainant will refrain from filing a special application under the Right to Information Act in this regard.”

9. Now, in view of the judgment of the High Court of Delhi in the case of *Narendra Tyagi Vs. Assistant Director (CPIO) in LPA 764/2023 & CM Application No.60986 - 60987 of 2023* dated 06.12.2023

wherein the High Court of Delhi has held and observed in paras 9 and 10 as under:-

“9. The main dispute raised by the appellant is that wrong information has been provided to him by the CPIO in response to his RTI application. The learned Single Judge after considering the facts and circumstances of the present case categorically held that the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information supplied. Thus, the learned Single Judge held as follows:

“XXX XXX XXX

3. The short question which, therefore, arises for consideration is as to whether the forums under the RTI Act can adjudicate disputes raised by a person seeking information under the RTI Act regarding the correctness of the information supplied ?

4. This issue is no longer res integra and is covered by the judgment of the Division Bench of this Court in Hansi Rawat & Anr. v. Punjab National Bank & Ors., 2013 SCC OnLine Del 168, wherein this Court has passed the following order:

“1. This intra-court appeal impugns the order dated 15.10.2012 of the learned Single Judge of dismissal of W.P.(C) No. 6556/2012 preferred by the appellants. The said writ petition was preferred challenging the order dated 30.08.2012 of the Central Information Commission (CIC) dismissing the Second Appeal preferred by the appellants against the order dated 21.05.2011 of the First Appellate Authority. The First Appellate Authority had dismissed the appeal preferred by the appellants against the information dated 18.03.2011 provided by the Public Information Officer (PIO) of the respondent Bank in response to the application dated 19.02.2011 of the appellants under the provisions of the Right to Information Act (RTI), 2005.

2. The First Appellate Authority in its order dated 21.05.2011 held that though information sought by the appellants had been provided to the appellants, the grievance of the appellants was that the information supplied was misleading and wrong. The First Appellate Authority held that information in possession of the respondent Bank had already been provided and no opinion as sought in the application could be provided. The First Appellate Authority also did not find any discrepancy in the information

provided.

3. *The CIC in its order noted, that the appellant No. 2 had been removed from service of the respondent Bank; that the appellants had sought information on 39 points; that the grievance of the appellants was that misleading and vague information had been provided on the points raised in the RTI application; that the appellants had filed 50 to 60 RTI applications in their names, separately, together as well as in the names of their friends and also through some advocates, on the same subject and on the same questions; that the appellants are misusing the RTI Act needlessly. The CIC further, on examination of the record did not find any reason to interfere with the decision of the PIO and the First Appellate Authority of the respondent Bank.*

4. *Before the learned Single Judge also, the contention of the appellants was that the information given is not correct. The learned Single Judge went through the RTI application of the appellants and the response thereto and found that the information sought had already been furnished. The learned Single Judge has further observed that the only obligation of the respondent Bank, from which information had been sought, under the RTI Act, was to give information available and no further and the said obligation had been fulfilled.*

5. *The counsel for the appellants does not controvert the factum of a number of RTI applications having been filed by the appellants themselves or through other persons to the PIO of the respondent Bank. He has however drawn attention to the information sought at serial Nos. 11 to 14 and 26 of the RTI application and the response thereto and on the basis thereof has contended that information has not been provided and/or the information provided is incorrect.*

6. *The proceedings under the RTI Act do not entail detailed adjudication of the said aspects. The dispute relating to dismissal of the appellant No. 2 from the employment of the respondent Bank is admittedly pending consideration before the appropriate fora. The purport of the RTI Act is to enable the appellants to effectively pursue the said dispute. The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished. Moreover, there is a categorical finding of the CIC, of the appellants misusing the RTI Act, as is also evident from the plethora of RTI applications filed by the appellants. In view of the said factual findings of the CIC and*

which is not interfered by the learned Single Judge, we are not inclined to interfere with the order of the learned Single Judge. 7. We do not find any merit in the appeal which is dismissed. No order as to costs."

(emphasis supplied)

5. In view of the above, the CIC cannot adjudicate upon the disputes regarding questions raised by an RTI Applicant. This Court, therefore, does not find any reason to interfere with the Order of the CIC.

XXX XXX XXX"

10. At this stage reference may be made to the definition of information under Section 2(f) of the RTI Act, which is reproduced below:

"2. Definition.-.....

.....

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

XXX XXX XXX"

10. In view of the above, the information is required to be provided under the RTI Act includes various records, documents, circulars etc. which can be accessed by the *Public Authority* under any other law for the time being in force. Thus, the responsibility of the CPIO is discharged under the RTI Act upon providing all such information and documents that may be accessible to him. Meaning thereby that the document which is accessible to the respondents, they have already supplied the copy thereof to the petitioner, but the insistence of the petitioner that the original document is to be supplied is not purview of the CPIO – respondent No.1 and, therefore, the contention raised by

the party-in-person is not tenable in the eyes of law and, therefore, the petition being meritless deserves to be dismissed.

11. In the foregoing reasons, the petition is dismissed. Notice is discharged. There shall be no order as to costs.

(HEMANT M. PRACHCHAK,J)

V.R. PANCHAL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: VIJAYKUMAR RAMESHBHAI PANCHAL(HC00171), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 05/05/2026 17:12:19