

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.

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Sh. Sandeep Mann  
H.No. 2928  
Sector 66, SAS Nagar  
Mohali 9417058040

.. appellant

Vs

Public Information Officer  
o/o District Education Officer, (SE)  
SAS Nagar, Mohali

Public Information Officer  
o/o Principal, St. Mary's School,  
Management by Orthodox  
Syrian Church Society (Regd.)  
Mohali

First Appellate Authority  
o/o Director, Public Instructions(Sec.) Punjab  
VidyaBhawan, Punjab School Education  
Board Complex,  
Sector 62, Mohali

..respondents

Appeal Case No. 5485 of 2022

## ORDER

This order may be read with reference to the previous order dated 3.4.2025 vide which the order was reserved in this case.

2. The brief of the case is that the appellant sought the following information:-

ਬੇਨਤੀ ਹੈ ਕਿ ਸੂਚਨਾ ਦੇ ਅਧਿਕਾਰ, 2005 ਤਹਿਤ ਹੇਠ ਦਸਾਏ ਅਨੁਸਾਰ ਸੂਚਨਾ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਦੀ ਕਿਰਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ ਜੀ।

1. ਸੇਂਟ ਮੈਰੀ ਸਕੂਲ, ਫੇਸ-11, ਐਸ.ਏ.ਐਸ. ਵੱਲੋਂ ਸੀ.ਬੀ.ਐਸ.ਈ. ਨਵੀਂ ਦਿੱਲੀ ਨਾਲ ਐਡੀਲੀਏਸ਼ਨ ਲੈਣ ਲਈ ਦਸਵੀਂ ਪੱਧਰ ਦਾ ਇਤਰਾਜ਼ਗੀਣਤਾ ਸਰਟੀਫਿਕੇਟ (NOC) ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਸਿੱਖਿਆ ਵਿਭਾਗ ਨੂੰ ਦਿੱਤੀ ਗਈ ਅਰਜੀ ਅਤੇ ਨਬੀ ਕੀਤੇ ਗਏ ਸਾਰੇ ਦਸਤਾਵੇਜ਼/ਫਾਰਮ ਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ ਜੀ।

2. ਸੇਂਟ ਮੈਰੀ ਸਕੂਲ, ਫੇਸ-11, ਐਸ.ਏ.ਐਸ. ਨਗਰ ਨੂੰ ਇਤਰਾਜ਼ਗੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਦੇਣ ਤੋਂ ਪਹਿਲਾਂ ਆਪ ਦੇ ਵਿਭਾਗ ਵੱਲੋਂ ਦਿੱਤੀ ਗਈ ਨਿਰੀਖਣ ਰਿਪੋਰਟ (inspection report) ਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ ਜੀ।

3. ਸੇਂਟ ਮੈਰੀ ਸਕੂਲ, ਫੇਸ-11, ਐਸ.ਏ.ਐਸ. ਨਗਰ ਨੂੰ ਇਤਰਾਜ਼ਗੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਜਿਸ ਅਧਾਰ ਤੇ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਹੈ ਉਸ ਸਰਕੂਲਰ/ਹਦਾਇਤ ਦੀ ਕਾਪੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ ਜੀ।

4. ਜੇਕਰ ਕਿਸੇ ਸਕੂਲ ਦੇ ਵਿਰੁੱਧ ਉਸ ਸਕੂਲ ਦੇ ਕਰਮਚਾਰੀ/ਸਾਬਕਾ ਕਰਮਚਾਰੀ/ਬੱਚੇ ਦੇ ਮਾਪੇ (parents) ਵੱਲੋਂ ਕੀਤੀ ਸਿਕਾਇਤ ਸਿੱਖਿਆ ਵਿਭਾਗ ਵਿੱਚ ਕਾਰਵਾਈ ਅਧੀਨ / ਪੈਂਡਿੰਗ ਹੋਵੇ ਤਾਂ ਕਿ ਉਸ ਸਕੂਲ ਨੂੰ ਇਤਰਾਜ਼ਗੀਣਤਾ ਸਰਟੀਫਿਕੇਟ (NOC) ਦਿੱਤਾ ਜਾ ਸਕਦਾ ਹੈ ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ ਜੀ।

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3. The appellant filed the application to the District Education Officer, (SE), SAS Nagar, Mohali, feeling aggrieved, he filed the first appeal before the First Appellate Authority and thereafter, the appellant filed the second appeal. Accordingly, the notice of hearing was issued to the parties concerned and the case was adjourned number of times to take the matter to its logical end. During the proceedings of the case, the appellant showed his satisfaction with regard to the information related to Point No. 2 to 4 of the RTI application and with regard to Point No. 1, the appellant requested that the directions may be issued to the respondent-Public Information Officer to supply the complete information i.e. all annexures attached by the St. Mary's School submitted to the District Education Officer, (SE) Mohali to get the NOC for the affiliation of CBSE, New Delhi. Since, the appellant sought the information related to St. Mary's School, Managed by Orthodox Syrian Church Society (Regd.), therefore, in accordance with the Punjab RTI Rules, 2017 and in the interest of natural justice, the said school was impleaded as necessary party in this case. The said school made the written submissions and the relevant portion of the same is as follows:

### **RESPECTFULL SHOWETH:**

1. That the above mentioned appeal filed by the appellant is pending decision before this Hon'ble Court, which is fixed for hearing on 27.02.2025. On the last date of hearing, after hearing arguments, the Hon'ble Commission was pleased to direct respondent no.3 to submit written submissions, if any, in support of their contentions.

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2. That the answering respondent has already filed a detailed reply on 07.03.2023. Along with the reply, judgment passed in LPA No.1187 of 2016 titled "Amity University Vs. State of Haryana" decided on 06.07.2022 has already been attached, ~~as~~ the case of the answering respondent is squarely covered from the judgment passed by the Hon'ble High Court. The Hon'ble High Court has specifically held that the University neither comes under the purview of the RTI Act of 2005 nor is a public authority within the meaning of Section 2(h) of the RTI Act of 2005. It has further been held that the University is a self financed private university, which is not owned, controlled or substantially financed directly or indirectly by the government. The university is also not a nongovernment organization directly or indirectly by the Government. The financial or funding from the Government is one of the main ingredient of the definition of Public Authority as envisaged under Section 2(h) of the RTI Act. Thus it has been held that the University is neither the institution of self-government nor has directly or indirectly been established or constituted by the funds provided by the appropriate government. The Right To Information Act was not intended to apply to the Bodies, Institutions, Universities, which are neither controlled by the government nor any financial grant-in-aid is received from the Government.

3. That the case of the answering respondent is therefore squarely covered from the judgment dated 06.07.2022 passed by the Division Bench of the Hon'ble High Court.

4. That on the last date of hearing, this Hon'ble Commission was of the view that the answering respondent no.3/School would be covered under the definition of Section 2(h) of the RTI Act 2005, the relevant part of which is reproduced hereunder for the facility of this Hon'ble Commission:

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## "2. Definitions

xx xx xx xx

(h) "public authority" means any authority or body or institution of self-government established or constituted –

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State legislature;
- (d) by notification issued or order made by the appropriate Government and includes any ---
  - (i) body owned, controlled or substantially financed;

- 
- (ii) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government".

From the perusal of the above said provisions of the Act, it is clear that the answering respondent cannot be said to be a public authority in any manner as the public authority has specifically been defined any authority or body or institution of self-government established or constituted. The answering respondent is privately managed institution, therefore, cannot be said to be 'public authority' and the answering respondent, therefore, cannot be covered under the Right To Information Act, 2005.

It is, therefore, respectfully prayed that the present appeal may kindly be dismissed against the answering respondent no.3/Principal, St. Mary's School, Phase XI (Sector 65), SAS Nagar (Mohali), in the interest of justice, equity and fair-play.

CContd..p/5

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4. Also, the appellant made the written submissions on 29.1.2025 and the relevant portion of the same is as follows:-

1. I had sought the information from Education Department, Punjab. **I never sought the information from the said school.** I sought the information regarding documents submitted to Education Department, Punjab by St. Mary's School, Mohali for getting NOC at the time of applying for affiliation with CBSE. Information sought by me under RTI Act is available with the concerned authorities, i.e., Education Department, Punjab. **As per the clauses written in the letter of NOC issued by Education Department, Punjab to St. Mary's School, the said school comes under the control of the education department and abide to compliance all rules and regulation of Education Department.**

As per conditions No. 3 and 5 of NOC issued to St. Mary's School by Education Department vide their letter No. SED-EDU303/43/2020-3EDU3/109306/2020(1) dated 26.11.2020 (Annexure - A) are relevant. The same are being reproduced hereunder:

"3. ਸਕੂਲ ਮੈਨੇਜਮੈਂਟ, ਸਿੱਖਿਆ ਵਿਭਾਗ ਪੰਜਾਬ ਸਰਕਾਰ ਵੱਲੋਂ ਆਰ.ਟੀ.ਈ. ਐਕਟ 2009 ਦੇ ਤਹਿਤ ਜਾਰੀ ਕੀਤੇ ਨੋਟੀਫਿਕੇਸ਼ਨ ਅਤੇ ਪੰਜਾਬ ਰਾਜ ਲਈ ਬਣਾਏ ਆਰ.ਟੀ.ਈ.ਐਕਟ-2009 ਦੇ ਰੂਲਾਂ ਦੀ ਇੰਨ-ਬਿਨ ਪਾਲਣਾ ਕਰੇਗੀ।

5. ਤੁਸੀਂ ਖੁਦ ਤੇ ਤੁਹਾਡੀ ਮੈਨੇਜਮੈਂਟ ਇਹ ਵੀ ਯਕੀਨੀ ਬਣਾਏਗੀ ਕਿ ਤੁਹਾਡੇ ਜਿਲ੍ਹੇ ਦੇ ਸਿੱਖਿਆ ਅਫਸਰ ਵੱਲੋਂ ਜਾਂ ਸਿੱਖਿਆ ਵਿਭਾਗ ਦੇ ਕਿਸੇ ਸੀਨੀਅਰ ਅਧਿਕਾਰੀ ਵੱਲੋਂ ਜਦੋਂ ਵੀ ਕਿਸੇ ਤਰ੍ਹਾਂ ਦੀ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਤਾਂ ਉਸਨੂੰ ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾਵੇਗੀ ਅਤੇ ਨਾਲ ਹੀ ਲੋੜੀਂਦਾ ਸਹਿਯੋਗ ਵੀ ਦਿੱਤਾ ਜਾਵੇਗਾ। ਅਜਿਹਾ ਨਾ ਕਰਨ ਦੀ ਸੂਰਤ ਵਿੱਚ ਇਤਰਾਜ਼ਹੀਣਤਾ ਸਰਟੀਫਿਕੇਟ ਤੁਰੰਤ ਵਾਪਿਸ ਲੈ ਲਿਆ ਜਾਵੇਗਾ।"

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St. Mary's School, SAS Nagar is a recognized school from Education Department, Punjab under RTE Act 2009, so school is under control of Education Department as school abides to rules and regulation of Education department.

2. As per Office Order No. EDN-H(16) B (15) RTI-01/2013(Misc) dated 06.06.2016 (Annexure - B) of Directorate of Higher Education, Himachal Pradesh, the RTI Act, 2005 is applicable to all private recognized schools and colleges in state.

3. As per Section 2 (f) of RTI Act, "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;

4. In the similar case vide Appeal Case No. 2349 of 2023, where the school states that they do not fall within the definition of Public Authority under the RTI Act 2005, but as per the orders passed by Hon'ble Chief Information Commissioner, Punjab on 07.07.2023 (Annexure - C), PIO was directed to supply the information as available in the official record.

5. As per Clause 2.4.9 of Circular No. 3 dated 05.03.2021 of CBSE (Annexure - D) that every affiliated school will develop their own website containing comprehensive information such as Affiliation status, details of infrastructure, details of teachers including qualification, number of students, address-postal and e-mail, telephone nos., copies of transfer certificates issued, etc. as may be directed by the Board from time to time. To bring the transparency and build up trust among the stakeholders, CBSE has been giving emphasis on mandatory public disclosure of relevant information. It is imperative on the part of the schools to comply not only with the provisions of State Education department but also with the provisions of the affiliation Bye-Laws of CBSE. Copy of relevant Circular No. 09/2021 dated 21.05.2021 of CBSE is enclosed at Annexure - E. In this regard CBSE again issued the Circular No. 01/2025 dated 08.01.2025 (Annexure - F) to upload the desired information/documents on school website.

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6. PIO o/o District Education Officer (SE), Mohali has also submitted the photo copy of the NOC application/documents in sealed cover to hon'able Chief Information Commissioner during the hearing on 18.07.2024.

7. The Information sought by me is the same information which required uploading on respective school's website. Schools are meant to impart quality education to the students and the future of a child is always in the hands of a school. It is a matter of concern, therefore, it is right for every parent to know each and every thing about the school, its teachers, their qualifications and experience as well, as parents are the greatest stakeholders. The information sought by me is totally in favour of every child and parents, which is in large public interest. Secondly, it is really required to check the authenticity of the documents submitted by the school to get the NOC from Education Department for CBSE affiliation.

Keeping in view of facts given at Sr. 1 to 7, you are requested to supply the information as received from PIO.

5. In addition, the appellant also sent the written submissions on 30.4.2025 and the relevant portion of the same is as follows:-

Kindly refer to hearing dated 03.04.2025 of above said appeal.

In this regard it is submitted that detailed submission in said appeal has already been given on 06.03.2023, 21.07.2023, 29.01.2025 and 24.02.2025, however brief facts are as under:

1. I had sought the information from Education Department, Punjab. I sought the information regarding documents submitted to Education Department, Punjab by St. Mary's School, Mohali for getting NOC at the time of applying for affiliation with CBSE. As per the clauses written in the letter of NOC issued by Education Department, Punjab to St. Mary's School, the said school comes under the control of the Education department. St. Mary's School, SAS Nagar is a recognized school from Education Department, Punjab under RTE Act 2009, so school is under the control of Education Department, Punjab as school abides to rules and regulation of Education department.

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2. PIO o/o District Education Officer (SE), Mohali has also submitted the photo copy of the NOC application/documents in sealed cover to hon'able Chief Information Commissioner during the hearing on 18.07.2024.

3. Reply and Judgement quoted by St. Mary's School in their reply/submission given during the hearing on 03.04.2025 is not relevant in this case.

4. In this regard it is submitted that St. Mary's School, SAS Nagar (Mohali) has uploaded the present information regarding society, NOC, building/fire safety, fee structure, list of management committee, staff detail with their qualification/experience, school infrastructure, etc. on their school website under Mandatory Public Disclosure. I have also sought the similar kind of the school information from Education Department which was submitted by the school to the Education Department, Punjab for getting NOC at the time of applying for affiliation from CBSE.

You are requested to supply the information as received from PIO o/o DEO(SE) SAS Nagar.

6. After going through the submissions made by the appellant, it is evident that the respondent School has already published the data related to the NOC i.e. regarding Society, NOC Building/Fire Safety, Fee Structure, List of Management Committee, Staff Details along with their qualification/experience, school infrastructure, etc. on the website of the school under Mandatory Public Disclosure as per the instructions of the CBSE, New Delhi. The appellant himself attached the annexures which have been uploaded by the school on its website. Now, in case, the school suo-motu published the data related to the NOC, that too in accordance with the instructions of the CBSE, New Delhi, and in accordance with Section 4 of the RTI Act, 2005, then is there any larger public interest involved to supply the information. After perusal of the complete file related to the NOC, it is ascertained that the same comprises third party information like student register, migration register certificates of the teachers, their appointment letters etc. in addition to the data already published on the website but the appellant is unable

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to justify any larger public interest involved in seeking the information. It is also appropriate to mention the judgement passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2683, 10044 & 10045 of 2010 in the matter CPIO, Supreme Court Versus Subhash Chandra Agrawal and the relevant portion of the same is reproduced below:-

*“ 59. 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, 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.*

7. Keeping in view the above, the Commission is of the view that no further action is required to be taken in this case as the appellant is unable to justify any larger public interest. Hence, the case is disposed of and closed.

Dated: 17.6.2025

(Inderpal Singh)  
Chief Information Commissioner,  
Punjab.