

ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: Shri Tarun Kanti Mishra,
State Chief Information Commissioner

Date:- 24th May, 2011

Complaint Case No.1307/2008

Prakash Kumar Jena,
S/o Late Krushna Charan Jena,
At/PO-Korakara, Via-Arnepala,
District-Bhadrak, PIN-756116 Complainant

- Vrs -

Public Information Officer,
Office of District Inspector of Schools,
Bhadrak-I, BhadrakOpposite Party

Decision

1. Complainant Prakash Kumar Jena is present. Brundaban Dash, PIO & Sub-Inspector of Schools, office of the District Inspector of Schools, Bhadrak-I is also present. He was absent on the last date of hearing. He had tendered apology for his absence. His absence on 02.05.2011 is condoned.
2. Complainant Prakash Kumar Jena sought to obtain information regarding Gopal Prasad Das, a teacher in Sahapur Urdu Primary School and regarding Smt. Anjana Das, Teacher, Kalei Upgraded M.E. School. Regarding Gopal Prasad Das, the complainant sought to obtain information on his caste certificate, his VRS, leave applications, details of his salary and copies of his service book from 1986 to 2008. He also wanted information regarding his Bank Account number, the salary deposited in the bank etc. The complainant also wanted to obtain several pieces of information on the service particulars of Smt. Anjana Das.

3. This application was received by the then PIO on 20.06.2008. Since the information sought for was voluminous, the PIO requested the complainant to allow some more time vide his letter No.3148 dated 30.07.2008. As the complainant did not get any information from the PIO, he approached the First Appellate Authority. In his order dated 15.10.2008, the First Appellate Authority directed the PIO to supply part information, free of cost. However, with regard to some information regarding Gopal Prasad Das, he observed that there are both departmental and Vigilance enquiries against him. As such, the information was not to be supplied under section 8(1)(h) of the RTI Act, 2005. With regard to information in respect of Anjana Das, the First Appellate Authority observed that this is third party information and the same cannot be disclosed under section 11 of the Act.

4. As seen from the order of the First Appellate Authority, Anjana Das is the wife of the complainant. The complainant admitted this in course of hearing today and further stated that Gopal Prasad Das is his co-brother-in-law. On perusal of records, the Commission observed that Anjana Das in her letter dated 22.02.2008 addressed to the District Inspector of Schools, Bhadrak-I has stated that complainant Prakash Kumar Jena is harassing her by repeatedly asking for volumes of information about her. She mentioned that she has no relationship with complainant Prakash Kumar Jena and that they have been divorced in a court of law. Complainant Prakash Kumar Jena in course of hearing today asserted that there is no divorce between him and Anjana Das, his wife.

5. Assuming though not concluding that Smt. Anjana Das is not divorced and is still the wife of Prakash Jena, the complainant, it is intriguing as to why the complainant is seeking information about his wife's service particulars under the provisions of RTI Act, 2005. If the contention of Smt. Anjana Das is true, and they have been lawfully divorced, the circumstances appear to be more intriguing. The Commission is led to believe that the complainant is trying to misuse the provisions of the RTI Act, 2005 to settle personal scores with his wife.

6. The Commission is reminded of a decision of Delhi High Court [2009(2)-ID-384]. In this case between Vijay Prakash and Union of India, Delhi High Court upheld the decision of the Central Information Commission rejecting the petition of the husband under RTI Act, seeking his wife's service particulars along with financial implications. Delhi High Court held that such application cannot be treated as an application having a public interest. The Karnataka High Court in deciding Writ Petition No.10663/2006 (AIR-2009 Karnataka, 8) observed that petitions seeking personal information as an attempt to settle scores is a vexatious conduct liable for penal action. The Karnataka High Court imposed a penalty of Rs.10,000/- on the RTI applicant. In the instant case, complainant Prakash Jena is seeking voluminous information of his own relatives in order to settle personal scores. In the process, he is also harassing the public authority by filing several RTI applications on similar issues. The Central Information Commission while deciding the case of Sabu Kuria Kose Vrs NCERT disapproved the tendency of repeatedly submitting applications to harass the public authority. The Central Information Commission warned that the Commission would not tolerate the provisions of this progressive Act to be subverted by the individuals for vested interests. The RTI Act has not been framed to take away the time of the public authority on frivolous applications, the Central Information Commission observed while deciding the case of Anjana Doshi Vrs State Bank of Bikaner & Jaipur. The State Commission decided to close this case with a severe warning to the complainant Prakash Jena.

Pronounced in open proceedings

Given under the hand and seal of the Commission this day, the 24th May, 2011.

State Chief Information Commissioner
24.05.2011