

**Can mere pendency of a case in court be cited as reason for refusal under Section 8(1)(b) of RTI Act?**

An Associate Professor in a Government College was holding additional charge as Principal for over one year as the regular Principal was given additional charge of the post of Director of Collegiate Education. When he returned after a day's absence on official outstation work, he found that someone else had been assigned the additional charge of principal. When he filed a petition under RTI Act asking for a copy of the order appointing another person to officiate as Principal in charge, his request was turned down on the ground that a case filed by the petitioner was pending in Court. On receiving the appeal from the Associate Professor, the Commission informed the Public Information Officer that mere pendency of a case cannot be cited as reason for refusal of information and that only if there is an explicit order from the court forbidding disclosure of information, refusal will be legitimate under Section 8(1)(b) of RTI Act. As the PIO / Principal replied that orders of the Director of Collegiate Education department were awaited, an enquiry was taken up. It was reported during the enquiry that after getting the approval of the Director, the copy of the order sought by the petitioner had been dispatched to the petitioner. The Commission recommended disciplinary action against the Public Information Officer who first handled the petition. The petitioner was awarded a compensation of Rs 7,500 for the loss and detriment suffered by him in having to wait for nearly one year to get the information required by him. The petitioner had been arbitrarily divested of additional responsibility as head of an institution and then the copy of the order effecting this change was denied to him. He was able to get a copy of the order after moving the Commission. (SA 16015/2015)