

**OFFICE OF THE REGISTRAR GENERAL,**  
**GAUHATI HIGH COURT,**  
**MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI**  
**(Appellate Authority)**

**RTI APPEAL ID. NO: 02/2021-22**

**APPELLANT:** : **Shri Manojit Kr. Paul.**


**OPPOSITE PARTY:** : **Registrar (Judicial) & PIO,**  
**Shri R.A. Tapadar**

**DATE OF HEARING** : **27-09-2021**

**DATE OF ORDER** : **29-09-2021**

**ORDER**

1. The Appellant submitted one RTI application before the Public Information Officer of the Hon'ble Gauhati High Court (Opposite Party hereinafter), seeking information as follows:-
  - i. Is there any bar by which an employee can't seek justice through official channel at first instance due to pendency of case filed by other employees seeking justice through Hon'ble

  
29/9/2021

Gauhati High Court in which employee seeking justice through official channel at first instance is not at all a party and the cases are not at all related to her in any way; and

- ii. Is there any bar from the Hon'ble Gauhati High Court to the Government of Assam by virtue of which redressal of grievance through official channel as envisaged in service rule can be denied, citing pendency of cases in the matter, though the person seeking redressal of grievances through official channel at first instance is not at all a party to the suit.
2. The opposite party vide letter dated 02.08.2021 replied to the appellant that the information sought by the appellant could not be supplied for not complying with the provisions stipulated under Rule 3 (d) of the Gauhati High Court (Right to Information) Rules, 2008 which clearly provides that the information requested for shall be sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.
  3. Being aggrieved and dissatisfied with the aforesaid reply of the opposite party, the appellant has preferred this appeal.

4. Heard the appellant and the opposite party and also perused the records.
5. The appellant, in his RTI application, sought for an information as to whether there is any bar by which an employee cannot seek justice through official channel at the first instance during pendency of case seeking justice through Hon'ble Gauhati High Court, in which employee seeking justice through official channel at the first instance is not at all party and the cases are not at all related to her in any way.
6. A bare reading of the aforementioned query would go to show that the appellant did not wish to have any information as defined under Section 2 (f) of the Right to Information Act, 2005.
7. Section 2(f) defines "information", which means any material in any form including the records, documents, memos, emails, opinions, advises, press release circulars, orders, log books, 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.
8. Apparently, the information sought by the appellant does not fall in either of the categories as stipulated in Section 2(f) of the Right to Information Act, 2005.

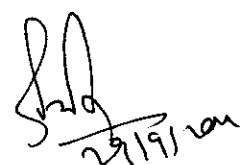
  
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Rather, the information sought by the appellant is of a nature similar to views of the opposite party. It may be worth mentioned herein that within the ambit of the aforesaid definition of "information", such views by opposite party are not permissible. Besides, to ascertain as to whether there is any bar for any person, to seek justice through official channel, during pendency of a case filed by other persons, would require strict judicial interpretation which is not within the powers of the opposite party. The opposite party can only supply the materials as stipulated in the definition of "information" and not to hold any opinion which is within his personal knowledge and/or belief and/or information. The materials as stipulated within the definition of "information" must be available with the opposite party on the contrary to which such information could not be furnished under the Right to Information Act, 2005.

9. Similarly, the second information sought by the appellant as to whether there is any bar from the Hon'ble Gauhati High Court to the Government of Assam by virtue of which redressal of grievances through official channel as envisaged in the service Rules can be denied, citing pendency of cases in the matter, though the person seeking redressal of grievances through official channel at the first instance is not at all a party to the suit is also more or less

similar to the first information sought by the appellant as aforementioned which is of the nature of opinion of the opposite party.

10. The appellant although has submitted that Hon'ble Gauhati High Court being a High Court of records has the information available and the opposite party erred in both law as well as facts in rejecting his application, has also not denied the fact, at the same time, that the information sought by him does not fall within the definition Section 2(f) of the Right to Information Act, 2005.
11. The opposite party has submitted that the information sought by the appellant are vague and non specific and is not in conformity with Rule 3(d) of the Gauhati High Court (Right to Information) Rules, 2008 in as much as the information requested for have not been sufficiently specified in the application as to lead to its identification without any difficulty, ambiguity or doubt.
12. This Appellate Authority is of the considered view that the Opposite Party rightly rejected to furnish the information sought by the appellant. Apparently, the two information sought by the appellant have not sufficiently specified in the application as to lead for identification without any difficulty, ambiguity or doubt. There is nothing specified in the information sought by the appellant which would have enabled the opposite

  
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party to identify the materials to be supplied to the appellant without any difficulty, ambiguity or doubt. As such, this Appellate Authority has no hesitation but to hold that the opposite party rightly rejected to furnish the information as sought by the appellant.

13. Before parting, it may be put on record to further clarify that although it is an undenying fact that the High Court is a Court of records, at the same time it cannot be also expected that the opposite party would venture upon exploring all the records and research to arrive at a decision as to whether there is any bar in proceeding in any kind of administrative action during pendency of a case or suit in as much as the same would be in excess of jurisdiction vested upon the opposite party in clear contravention of the statutory norms and would amount to treading inside the arena of the powers to be exercised by the courts in judicial side since such views or opinions would require deliberation as well as strict interpretation of laws and facts.

14. In view of the above, this appellate authority does not find sufficient merit in this present appeal. Accordingly, the appeal stands dismissed and disposed of.

15. Send copies of the order to the parties.

  
**Registrar General & Appellate Authority**