

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

**Present : Shri Laxmi Narayan Pattanaik,
State Information Commissioner (P)**

Date 25th April, 2017

Second Appeal No.2721/2015

Jagannath Mohanty,
Vill- Gadakhordha (Part),
PO- Palahata,
PS- Khordha Sadar,
Dist – Khurda.....Appellant

-Vrs-

1. Public Information Officer,
SCB Medical College & Hospital,
Mental Health Institute,
Dist.- Cuttack.
2. First Appellate Authority,
SCB Medical College & Hospital,
Mental Health Institute,
Dist.- Cuttack.....Respondents.

Decision

1. Appellant Jagannath Mohanty is absent. The PIO, SCB Medical College & Hospital, Mental Health Institute, Dist- Cuttack is also absent.
2. The appellant filed form-A application dated 24.06.2015 with the PIO, Office of the Director-cum-Medical Superintendent, Mental Health Institute, SCB Medical College & Hospital, Cuttack seeking the details of patients name and address including Doctor's name under whom the patient was treated bearing Out Door Ticket No.1855 and date of admission on 03.05.2006 as well as

discharge certificate. The PIO rejected the application under section 8(1)(j) of the RTI Act and intimated the appellant vide letter No.1281 dated 25.08.2015. Being aggrieved, the appellant filed form-D application dated 03.08.2015 with the First Appellate Authority-cum-Director & Medical Superintendent, Mental Health Institute, SCB Medical College & Hospital, Cuttack on the ground of non-supply of information within the stipulated time. The First Appellate Authority has confirmed the decision taken by the respondent PIO observing that the 1st appeal petition has no merit for consideration and accordingly disposed of. The appellant, therefore filed this Second Appeal on 07.11.2015 on the ground of non-supply of information before the Commission.

3. During hearing on 06.03.2017 the Advocate for the appellant prayed that several litigations are pending in the court between the appellant and his wife for which the information is required. The appellant being the husband has sought for information related to his wife which is to be produced before the Judge, Family Court and JMFC Court, Pipili relating to their pending criminal cases.

4. The Commission observed that the information as sought for does not seem to have any relationship to any public interest or public activity rather has been expressly sought to be used as evidence in a dispute in the court pending between the appellant and his wife. The Commission has failed to appreciate the claim of the appellant basing on the decision of Delhi High Court in case of Vijay Prakash Vrs. Union of India and others as reported in AIR 2010 Delhi at page 7 wherein Delhi High Court has observed that the information sought for was not only of a third party, but pertains to the petitioner's wife. Therefore, disclosure of information sought for by her husband so as to establish his case in a matrimonial suit as well as other pending criminal case is impermissible in as much disclosure of such information does not invite public interest. The husband Vijay Prakash had sought certain information regarding

service records of his wife for the purpose of using the same in a divorce proceeding. Disallowing the prayer of the petitioner and affirming the order of the Information Commission, the learned single Judge observed that information sought for was not in public interest and has rightly been refuted by the Information Commissioner. It would, therefore, be apparent on a reading of Regulation 2.2 and 7.14 framed under the Medical Council of Indian Act that information about a patient in respect of his/her ailment cannot be disclosed (Surupsingh Hrya Naik Vrs. State of Maharastra and Others in WP(C) No.1750 of 2007). Upon perusal of the materials on record and in the light of the submission as advanced by both the sides and the decisions as noted supra the Commission does not find any reason whatsoever to set aside the impugned order passed by the First Appellate Authority. There is nothing reasonable to hold that the impugned order is contrary to the provisions of the RTI Act. In the result, the impugned order being sustainable the present appeal is dismissed having no merit.

Pronounced in open proceedings

Given under the hand and seal of the Commission, this the 25th day of April 2017.

State Information Commissioner (P)
25.04.2017