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No. EDN-HE(16)B(15)01/2018-RTI-(Misc.)
Directorate of Higher Education,
Himachal Pradesh.

Dated, Shimla-171001, the

15th February, 2019

Office Order

Whereas, whether the privately managed and run High Schools, Senior Secondary Schools and Colleges be brought under the control of the RTI Act, 2005 where Govt. has invested no money and PIO under the Provisions of the RTI be appointed or not, has been engaging the attention of the Govt. since long and Sh. Balbir Singh S/O Sh. Tej Ram VPO Sidhpur, Palampur, filed an appeal on 05.01.2015 before the Hon'ble State Chief Information Commissioner who in his order on 10.02.2016 passed an order and directed the DHE to appoint the PIO and Appellate Authorities in Private High Schools, Senior Secondary Schools with immediate effect.

And whereas, pursuant to the directions passed by the Hon'ble State Chief information Commissioner of Himachal Pradesh in Appeal No. 470/2014-15 on dated 10.02.2016 to designate PIOs in Private recognized High Schools, Senior Secondary Schools to facilitate the people at large to seek the information under the RTI Act, 2005 and in compliance of the above orders, instructions have already been issued vide this office letter No. EDN-H(16)B(15)RTI-01/2013(Misc.) dated 06th June, 2016.

Now, Interim Order passed by the Hon'ble State Chief information Commissioner of Himachal Pradesh in Appeal No. 0328/2017-18 on dated 11.09.2018, filed by Sh. Mukesh Sood S/O Sh. Yash Paul Sood, R/O VPO Ambota, Tehsil Ghanari, Distt. Una, HP against the Principal, DAV Sr. Sec. School Ambota, Distt. Una, HP and Interim Order passed in Appeal No. 0381/2016-17 on dated 15.09.2018, filed by Sh. Ram Krishan S/O Lt. Sh. Surat Ram, C/O Sh. Jeet Ram Khachi Niwas, PO Theog, Distt. Shimla, HP against the Principal, DAV Centenary High School Theog, Distt. Shimla,

HP reads as follows: "... given the wide definition of 'information', in 2(f) of RTI Act, 2005 and the definition of 'appropriate Government' in 2(a) of RTI Act, 2005, the information with the 'public authority' i.e. Education Department as available under Right to information Act, 2009 or HP Private Education Institution (Regulation) Act, 1997, and other extant regulatory mechanisms in operation, falls within definition of information under 2(f) of the RTI Act, which gives the PIO, Appellate Authority, and Central/State Commission a right to enforce such an obligation under the law. it is clear that 'information' is defined, as information relating to any private body, which can be accessed by a public authority under any other law for the time being in force. Therefore, in the instant case the issue to be seen is whether the Directorate of Education, has such information in its possession under the Right to Education Act, 2009, or the HP Private Education Institutions (Regulations) Act, 1997 or as per other regulatory mechanism in existence for such schools etc. if such information is readily available, in its regulatory capacity, then as per Section 2(f) of Right to Information Act, the information relating to any private body which can be accessed by a public authority under any other law for the time being in force, is covered within the definition of 'information', and the same is to be provided by the Education Department. In case of other private educational institutions which are not financed substantially the provisions of the HP Private Education Institutions (regulation) Act, 1997 will be applicable to enforce the maintenance and providing the requisite information as mandated by the Act to the Competent Authority. This Competent Authority has already notified by the department to implement this Act, could very well be designated as PIO under the RTI Act, 2005 to provide the information as under his control".

In compliance of the above mentioned orders and in continuation to this office letter No. EDN-H(16)B(15)RTI-01/2013(Misc.) dated 06th June, 2016 I, Dr. Amarjeet K. Sharma in exercise of the power vested in me by virtue of the order/ letter No. EDN-C-B(15)/2005-loose dated October 03, 2005 as Public Authority, hereby declare and designate **all the Deputy Directors of Higher Education in HP of concerned district as Public Information Officer of concerned District and the Addl./Joint Director (Admn.), Directorate of Higher Education, HP shall Act as a 1st Appellate Authority in respect of Private High Schools and Private Sen. Sec. Schools in H.P., which are purely private and not grant-aided school with immediate effect.**



(Dr. Amarjeet K. Sharma)
Director of Higher Education
Himachal Pradesh.

Endst. No. : As above, dated, Shimla- 171001

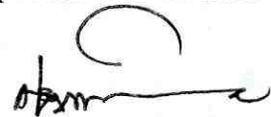
15th February, 2019.

Copy to:

1. The State Chief Information Commissioner, Himachal Pradesh for information please.
2. The Pr. Secretary (Education) to the Govt. of HP for information please.
3. The Secretary (AR) to the Govt. of HP for information please.
4. All the Deputy Directors of Higher Education for strict compliance and directed to implement the Instruction/guidelines accordingly and circulate the orders to all the **Private High Schools and Private Sen. Sec. Schools in H.P., which are purely private and not grant-aided school.**
5. All the Branch Officers (DHE) for information and further compliance.
6. All the Branch Superintendents (DHE) for information and compliance.
7. PS to Director of Higher Education for information please.
8. PA to Joint Director-cum-1st Appellate Authority / Nodal Officer RTI, Directorate of Higher Education, HP for information.
9. All the Headmasters/Principals of Private High Schools and Private Sen. Sec. Schools for information and necessary action & further compliance.
10. The Supdt. (IT Cell), DHE with the direction to upload the orders in departmental Website.

श्री श्री निदेशालय उच्च शिक्षा

15 FEB 2019



Director of Higher Education
Himachal Pradesh, Shimla.