

(2011) 08 DEL CK 0059
In the Delhi High Court
Case No : Writ Petition (C) 6083 of 2011

Alok Kumar Chandra

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 23-08-2011

Acts Referred:

Right to Information Act, 2005 — Section 20

Citation : (2011) 08 DEL CK 0059

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Priyank Sharma and Satyender Chahar, for the Appellant; Neeraj Chaudhari, CGSC and Akshay Chandra, for UOI, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The Petitioner had applied in pursuance to the advertisement in the Employment News pertaining to vacancies in Employees Provident Fund Organization (EPFO) Maharashtra Division and had appeared in the examination held for the said purposes on 6th September, 2009. The result of the examination was declared on 27th December, 2009 and the Petitioner was not successful therein. The Petitioner on 31st December, 2009 itself claims to have applied under the RTI Act, 2005 with respect to the said result. Being not satisfied with the order of the various authorities under the RTI Act, the Petitioner ultimately approached the Central Information Commission (CIC) claiming the relief of inspection of the OMR answer sheets of the Petitioner as well as of the selected candidates.

2. It has been the stand of the Respondent No. 1 EPFO that the answer sheets are not available with it and the examination was out sourced to the Respondent No. 2 Institute of Banking Personnel Selection and the answer sheets were retained by them. It appears that the CIC enquired from the Respondent No. 2 and was informed that the answer sheets have been weeded out as per the Rules.

3. This writ petition has been filed seeking quashing of the policy of weeding out and impugning the entire process of selection pursuant to the advertisement and examination aforesaid and seeking further direction to the Respondents to conduct the examination all over again.

4. The persons who have been selected in the examination have not been impleaded as Respondents. The Petitioner is inter alia seeking quashing of their selection; they are necessary parties. The petition in their absence is not maintainable.

5. Even otherwise the grievance of the Petitioner is that the Respondents were required to preserve the OMR answer sheets of the examination since the RTI query with respect to the result of the examination was made within three days of the declaration of the result.

6. It has been enquired from the counsel for the Petitioner as to which provision of law and/or principle of law required the document/OMR answer sheets to be so preserved. I have in judgment dated 11th August, 2011 in W.P. (C) No. 5779/2011 titled Soumik Mitra v. UOI held that the authorities under the RTI Act have No. power to interfere with the rules regarding weeding out/destruction of documents and the destruction of the documents in accordance with the rules cannot constitute destruction to invite the penalty u/s 20 of the RTI Act, 2005.

7. It may also be noticed that prior to the recent judgment of the Apex Court in Central Board of Secondary Education and Another Vs. Aditya Bandopadhyay and Others, the principle was of the answer sheets being not open for inspection. The Petitioner has not even filed before this Court the rules of the examination, the result whereof is challenged.

8. The petition is half baked and half hearted and is dismissed. No. order as to costs.

CM No. 12285/2011 (for exemption)

Allowed, subject to just exceptions.