

(2019) 11 UK CK 0203

In the Uttarakhand High Court

Case No : Writ Petition No. 1672 (M/S) Of 2019

Sandeep Kumar

APPELLANT

Vs

Public Information Officer, Indira Gandhi National Forest
Academy & Others

RESPONDENT

Date of Decision : 27-11-2019

Acts Referred:

Right To Information Act, 2005 — Section 2(f), 8(1)(j)

Citation : (2019) 11 UK CK 0203

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Siddhartha Sah, Pankaj Chaturvedi

Final Decision : Allowed

Judgement

Sudhanshu Dhulia, J

1. The petitioner was an unsuccessful candidate for selection/appointment to the post of Driver in the Indira Gandhi National Forest Academy, Dehradun, which is an Institute under the Government of India. In the said selection process ten candidates had applied. The petitioner has sought the answer books of all the ten candidates and the results of the practical test which was conducted on 06.08.2017 of all the candidates. He also sought information regarding combined marks given in two tests to each of the candidates. The petitioner also sought certificates submitted by the candidates such as age certificate, educational and professional certificate and experience certificate etc., and the certificates submitted by the candidates for being registered with the Employment Exchange. Apart from the merit list, which was provided to the petitioner, none of the information sought by the petitioner was being given to him.

2. Aggrieved the petitioner filed a first appeal before the First Appellate Authority. The first appeal of the petitioner was disposed of vide order dated 07.11.2017 holding that the decision of the Public Information Officer is correct.

Ultimately, the matter reached in the Second Appeal before the Central Information Commissioner, New Delhi. The Central Information Commissioner after considering the submissions of the petitioner came to the conclusion that the information sought by the petitioner is a third party information which is a personal information of a candidate and no larger public interest has been shown as to why such a disclosure can be made to the petitioner and consequently the second appeal of the petitioner was dismissed vide order dated 02.05.2019. Aggrieved the petitioner has filed the present writ petition.

3. Having heard the learned counsels for the parties, this Court is of the view that the Central Information Commissioner has given a totally perverse finding on this aspect. The basic purpose with which the seminal legislation (Right to Information Act, 2005) was brought about was to bring transparency in Public Administration. Under the Right to Information Act, 2005 (from hereinafter referred to as the "Act"). Under the Act "information" is defined under Section 2(f) of the Act. Section 2 (f) of the Act reads as under:-

"2.Definitions.- In this Act, unless the context otherwise requires,-

(a)....

(b)....

(c)....

(d)....

(e)....

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, 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;"

4. Under Section 8 (1) (j) of the Act certain information is exempted from the purview of the Act, inter alia, an information which is "personal information" is exempted with certain riders. Section 8 (1) (j) of the Act reads as under

"8. Exemption from disclosure of information. -(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen.-

(a)....

(b)....

(c)....

(d)....

(e)....

(f)....

(g)....

(h)....

(i)....

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the Appellate Authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."

5. Being a Government Body, the information must be given in the website of the Institution as that is the mandate of the law. In any case, it has been sought from the Institute which was duty bound to give this information. The information which is of a personal nature has an entirely different character which has been totally misunderstood by all the authorities concerned, including Information Commission.

6. Since the information itself was not of personal nature, the petitioner or any other person was not even required to show as to what the greater public interest was involved here.

7. The writ petition is allowed. The order dated 2.05.2019 passed by the Central Information Commissioner is hereby quashed and set aside.

8. Respondents are hereby directed to furnish the information to the petitioner within a period of two weeks from the date of production of a certified copy of this order.