

Central Information Commission

Anshu Rani vs Telangana High Court on 19 January, 2023

Author: Y K Sinha

Central Information Commission

Baba Gangnath Marg, Munirka

New Delhi - 110067

/ Second Appeal No. CIC/TLHCH/A/2021/155258

Ms. Anshu Rani ... /Appellant

VERSUS/

PIO, High Court of Telangana ... /Respondent

Through: Shri Naresh S and Shri Rohan
Ramawat- Advocates

Date of Hearing : 17.01.2023
Date of Decision : 19.01.2023
Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 25.08.2021
PIO replied on : 21.09.2021
First Appeal filed on : 07.10.2021
First Appellate Order on : -
2ndAppeal/complaint received on : 22.12.2021

Information sought and background of the case:

The Appellant filed an RTI application dated 25.08.2021 and the
CPIO/Registrar, High Court of Telangana, Hyderabad vide letter dated
21.09.2021 replied as under:-

Page 1 of 3

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 07.10.2021. The Appellant received an order dated 16.11.2021 from the FAA, on 27.04.2022 denying disclosure of information since it pertained to third party.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts

emerging in Course of Hearing:

A written submission has been received from the Appellant vide letter dated 04.01.2023 reiterating the facts and submitting that she had appeared in the Civil Judge Examination held for the State of

Telangana in 2020 and hence sought the aforementioned information.

Hearing was scheduled through virtual means after giving prior notice to both the parties. Both parties are heard through video conference and the Appellant reiterated that she had appeared in the examination for selection of Civil Judge for the State of Telangana but was denied information even about her own marks, cut off marks of selected candidates and merit list. Respondent stated that the Appellant nowhere stated in her RTI application, First Appeal or even the Second Appeal that she was a candidate in the examination concerned. Consequently, she was assumed to be a third party and hence information was denied, at the appellate stage.

Decision:

Upon examination of the facts of the case at hand, it is noted that the PIO's reply was not in consonance with the RTI Act; only interpretation, justification or clarification sought by the information seeker which would require personal opinion of the PIO can be denied under the provisions of the RTI Act. This has been clearly discussed in the decision dated 03.04.2018, passed by the Bombay High Court while deciding the case of Dr. Celsa Pinto vs. The Goa State Information Commission wherein it was held as under:

" ..The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information..."

Emphasis supplied The order passed by the FAA appears reasonable.

Be that as it may, since it is abundantly clear now that the Appellant was a candidate who had appeared in the Civil Judge Examination held for the State of Telangana in 2020, she is not a third party and is entitled to know marks scored by her and also the merit list of successful candidates.

Hence the Respondent- PIO, Telangana High Court is hereby directed to provide a revised reply furnishing information about the marks scored by the Appellant, and the merit list of successful candidates as sought by the Appellant. This revised reply should be sent to the Appellant within four weeks of receipt of this order and a compliance report in this regard should be submitted by the Respondent before this Commission by 15.02.2023.

The appeal is disposed off on these terms.

Y. K. Sinha (.)

. .) Chief Information Commissioner () Authenticated true copy () S. K. Chitkara (. .) Dy. Registrar (-) 011-26186535