

CENTRAL INFORMATION COMMISSION

Club building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi- 110067.

Tel: 011 - 26182593/26182594

Email: registrycab@gmail.com

File No : CIC/BJ/A/2016/000227-AB

In the matter of:

A P Singh
Street No. 1C, QRS No. 9A, PO – Chittaranjan,
Dist. Burdwan, West Bengal - 713331

...Appellant

VS

Central Public Information Officer
PIO / CPO / A
Dy. CPO (W) / CPIO
Chittaranjan Locomotive Works, PO –
Chittaranjan, Dist – Burdwan - 713331

...Respondent

Dates

RTI application	:	31.10.2015
CPIO reply	:	30.11.2015
First Appeal	:	19.12.2015
FAA Order	:	01.01.2016
Second Appeal	:	28.04.2016
Date of hearing	:	27.04.2017

Information sought:

The appellant had sought details relating to total number of vacancies in Group C and D categories filled in through sports quota.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant	:	Present
Respondent	:	PIO, Shri Manjhi, OS

During the hearing the respondent PIO submitted that they had provided the requisite information vide their letter dated 30.11.2015 in connection with the RTI application dated 31.10.2015.

The appellant contested the reply on point nos. 4 and 7 of the said RTI application as not proper and submitted that in regard to the rest of the points he was satisfied with the replies furnished by the respondent.

The respondent PIO relied on the judgement of the Hon'ble Supreme Court in the matter of ***Bihar Public Service Commisision Vs. Saiyed Hussain Abbas Rizwi in SLP (C) No. 20217 of 2011*** and submitted that information in regard to the point nos. 4 and 7 of the RTI application cannot be given as it attracts Sec 8(1)(g) of the RTI Act.

In view of the above, the Commisison finds it appropriate to examine the information sought for in Paras 4 and 7 of the above stated RTI application.

“ (4) Name of committee member in selection board for selecting sport candidate in each group i.e (a) Hockey (b) Football (c) Cricket (d) In other game

(7) Name of committee member in selection in slection board for selecting candidate in cultural quota.”

The operative part of the decision of the Bihar Public Service Commission case is extracted below:

30. The above reasoning of the Bench squarely applies to the present case as well. The disclosure of names and addresses of the members of the Interview Board would ex facie endanger their lives or physical safety. The possibility of a failed candidate attempting to take revenge from such persons cannot be ruled out. On the one hand, it is likely to expose the members of the Interview Board to harm and, on the other, such disclosure would serve no fruitful much less any public purpose. Furthermore, the view of the High Court in the judgment under appeal that element of bias can be traced and would be crystallized only if the names and addresses of the examiners/interviewers are furnished is without any substance. The element of bias can hardly be co-related with the disclosure of the names and addresses of the interviewers. Bias is not a ground which can be considered for or against a party making an application to which exemption under Section 8 is pleaded as a defence. We are unable to accept this reasoning of the High Court. Suffice it to note that the reasoning of the High Court is not in conformity with the principles stated by this Court in the CBSE case (supra). The transparency that is expected to be maintained in such process would not take within its ambit the disclosure of the information

called for under query No.1 of the application. Transparency in such cases is relatable to the process where selection is based on collective wisdom and collective marking. Marks are required to be disclosed but disclosure of individual names would hardly hold relevancy either to the concept of transparency or for proper exercise of the right to information within the limitation of the Act.

In view of the foregoing, the Commission finds that the CPIO's reply and the FAA's order are just and proper.

The appeal is accordingly disposed of.

Copy of the order shall be sent to both the parties free of cost.

**[Amitava Bhattacharyya]
Information Commissioner**

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar