

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/A/2016/000008**
CIC/YA/A/2016/000287

Date of Hearing : **16.01.2017**
Date of Decision : **16.01.2017**
Appellant/Complainant : **Shri Anil Kumar, Haryana**
Respondent : CPIO, P G I M E R, Chandigarh
Through:
Shri Yash Atri, CPIO
Information Commissioner : Shri Yashovardhan Azad

Since the identical present appeals involve same parties, they are being clubbed together for hearing and disposal to avoid multiplicity of the proceedings.

Relevant facts emerging from appeal:

Case No.	RTI filed on	CPIO reply	First appeal filed	FAA order	2 nd appeal filed on
0008	11.09.2015	30.09.2015	12.10.2015	07.11.2015	23.12.2015
0287	11.09.2015	30.09.2015	12.10.2015	07.11.2015	01.01.2015

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Information sought and background of the case:

Vide RTI application dated 11.09.2015, the appellant sought information regarding certified copies of the written test and marks obtained in Interview for the post of Technician Gr. IV (Air conditioning & Refrigeration) at PGIMER, Chandigarh of all candidates who appeared in the interview. CPIO vide letter dated 30.09.2015 replied as follows:

“As per policy of this institute that once the selection process is completed i.e. the selected candidates join the department by the specified time, the marks of written examination and interview etc. Of

all candidates who appeared in the written examination and interview are put on the institute website. As the selection process is yet to be completed, the required information cannot be supplied at this stage.”

The first appellate authority directed the CPIO to furnish the information to the appellant while following the policy of institute. Feeling aggrieved over denial of information, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both the parties are present and heard. The appellant is aggrieved inasmuch the information sought by him was withheld by the CPIO citing the ongoing recruitment process. Per contra, the CPIO states that all the information was furnished to the appellant on 14.01.2017 after receipt of notice of hearing by the Commission. Upon a query by the Commission as to why information was not provided within the stipulated time frame, he states that as per policy of institute in this regard, the records of recruitment are displayed on website after the selected candidates join. Upon a further query by the Commission, the CPIO fails to point out any clause in Section 8 of the RTI Act, 2005 under which the policy of institute is carved out.

Decision:

After hearing parties and perusal of record, the Commission is pained to come across the ‘opaque & redundant’ policy of the institute to keep the records of recruitment as best kept secrets till the time selected candidates join the offered positions. One wonders about the objective of this policy keeping public recruitments away from the public gaze. A policy which defers the disclosure of information till a point of time where any disclosure loses its importance has to be in consonance with the scheme of RTI Act. In the present case, the policy of institute is in direct conflict with the statute and thus, the statute must prevail. The Commission directs the public authority to publicize information relating to all of its recruitment processes ie. To say, number of total applicants, marks obtained by all selected candidates at each stage of examination etc. immediately upon declaration of final result of the recruitment without waiting for the selected candidates to join. It is further clarified that any candidate can seek details of his own performance / marks awarded even prior to conclusion of recruitment subject to the exceptions as contained in Section 8 of the RTI Act. Any policy which eclipses the law is *non est*.

In the present appeals, information has been furnished at a much belated stage while the recruitment process concluded in 2015 itself. No explanation

has been offered in this regard by the CPIO. The Designated Officer of this bench is directed to issue show cause notice to the CPIO, Shri Yash Atri for denying the information & non compliance of the FAO.

The notice is at liberty to file his reply by 06.03.2017 before the Commission. Further proceedings shall be notified in due course.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-

Central Public Information Officer under RTI P.G.I. of Medical Education & Research, Recruitment Department, Kairon Admin. Block, Sector-12, Chandigarh-160012.	First Appellate Authority under RTI DDA Office, PGI, P.G.I. of Medical Education & Research, Administration Department, Kairon Administrative Block, Sector-12, Chandigarh-160012.
Central Public Information Officer Nodal Officer –RTI Cell, P.G.I. of Medical Education & Research, Administration Department, Kairon Administrative Block, Sector-12, Chandigarh-160012.	Shri Anil Kumar S/o Shri Subhash Chander, V.P.O. – Kharkari, Tehsil –Hisar, District – Hisar-125033 (Haryana).
Nodal Officer-Recruitment Cell, P.G.I. of Medical Education & Research, Recruitment Cell, Kairon Administrative Block, Sector-12, Chandigarh-160012.	First Appellate Authority under RTI Deputy Director –Admin. P.G.I. of Medical Education & Research, Admin. Department, Kairon Administrative Block, Sector-12, Chandigarh-160012.

