

Central Information Commission, New Delhi
File No. CIC/SH/C/2016/000093
Right to Information Act-2005-Under Section (18)

Date of hearing : 7th March 2017

Date of decision : 7th March 2017

Name of the Complainant : SHRI BUDDHISWAR NASKAR

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,
SYNDICATE BANK
REGIONAL OFFICE: 651,
ANANDPUR, EM BYPASS, KOLKATA,
W. B.- 700107

RTI Application filed on : 06/04/2015

CPIO replied on : 05/06/2015

First Appeal filed on : —

First Appellate Authority order on : —

Complaint received on : 08/09/2015

The Complainant was represented by Shri Malay Chaudhury, who was present at the NIC Studio, South 24 Parganas.

On behalf of the Respondents, Shri Brijesh Mishra, Senior Manager (Law) was present at the NIC Studio, Kolkata.

Information Commissioner : Shri Sharat Sabharwal

Information sought

This matter concerns an RTI application filed by the Complainant, seeking the following information regarding recruitment for the post of Attender for the District of South 24 Parganas:-

1. Marks obtained by the Appellant and his place in the list.

2. Certified copy of the original Tabulation sheet marked by the interview committee specially formed for South 24 Parganas district.

The CPIO reply

The CPIO provided the information on point No. 1 and denied the information on point No. 2 under section 8 (1) (j) of the RTI Act.

Grounds of complaint to the CIC

No information provided on point No. 2.

Relevant facts emerging during the Hearing, Discussion and Decision

The representative of the Complainant stated that the information sought at point No. 2 has not been provided. It is noted that the information sought at this point was a copy of the original tabulation sheet marked by the interview committee specially formed for South 24 Parganas District. The Respondents reiterated their decision to deny this information under Section 8 (1) (j) of the RTI Act as the tabulation sheet would contain the marks of third party candidates also. At this stage, we informed the representative of the Complainant that the Commission has been in favour of disclosure of marks of selected candidates only and not of those candidates, who were not selected. We enquired whether the Respondents could be asked about their willingness to reveal the information in respect of the successful candidates. The representative of the Complainant, however, insisted that the full copy of the tabulation sheet, including the marks of third party unsuccessful candidates, was required by the Complainant. He cited the Commission's decision No. CIC/DS/A/2012/000614/MP dated 7.3.2014 in favour of his request.

2. We have considered the submissions of both the parties and note that in the above mentioned decision dated 7.3.2014, cited by the representative of the Complainant, the Commission had directed the CPIO in that case to provide copies of the question booklet, corrected answer-sheet, tabulation sheet (interview board)

including the remarks of the interview board (severing any third party information including names of the board members and signatures) to the Appellant in that case. In this context, it is to be noted that the Appellant in the above case had sought information concerning copies of his own question booklet, corrected answer-sheet and marks given by the interview board. In the order of the Commission, there was a clear direction for exclusion of the information regarding any third parties from the documents, copies of which were to be disclosed. Therefore, the above decision of the Commission is not relevant to the information sought at point No. 2 of the RTI application dated 6.4.2015 in the instant case. Further, in so far as the request of the representative of the Complainant regarding provision of a copy of the tabulation sheet with the marks of all candidates, including unsuccessful candidates, is concerned, we note the following observations made by the Commission in its order No. CIC/AD/A/2009/000975 dated 31.8.2009:-

“The Respondents submitted that the Appellant has already been provide with the marks / merit list of all the candidates who had appeared in the exam and were successful, numbering to around 70. He stated that as per existing practice, the marks of the unsuccessful candidates were withheld from disclosure as personal information. The Appellant insisted that he be provided with marks of all the failed candidates free of cost. The Commission after hearing both sides is of the considered opinion that information sought pertains to personal information, the disclosure of which will cause unwarranted invasion on the privacy of the individuals concerned as it related to the failure of these individuals, the disclosure whereof would adversely affect the morale and self esteem of the unsuccessful candidates and accordingly denies disclosure of information under Section 8 (1) (j). Hence, the appeal is dismissed.”

In the light of the foregoing, only the list of marks obtained by successful candidates can be disclosed in this case. However, we note that the matter before us is a complaint registered under Section 18 of the RTI Act and, in such cases, we are not in a position to give a direction for furnishing of any information. In this context, the following observations made by the High Court of Delhi in its judgment dated 28.10.2013 in J. K. Mittal vs. Central Information Commission & Anr. [W.P.(C) No. 6755/2012] are relevant:-

“5. In view of the above referred authoritative pronouncement of the Apex Court, there can be no dispute that while considering a complaint made under [Section 18](#) of the Act, the Commission cannot direct the concerned CPIO to provide the information which the complainant had sought from him. Such a power can only be exercised when a Second Appeal in terms of Sub-section (3) of [Section 19](#) is preferred before the Commissioner.”

Further, based on the facts placed before us, there is no ground for any penal action against the CPIO under Section 20 of the RTI Act, as he was not wrong in denying the information on point No. 2 of the RTI application to the Complainant.

3. With the above observations, the complaint is disposed of.
4. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
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.

(Vijay Bhalla)
Deputy Registrar

