

CENTRAL INFORMATION COMMISSION

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(59)

Decision No. CIC/SM/A/2010/001562/SG/14511

Appeal No. CIC/SM/A/2010/001562/SG

Relevant Facts emerging from the Appeal

Appellant : Mr. Shiv Sharma
House Number B- IX-283
Behind Police Station
Near Old Ram Leela Ground
Barnala-148101, Punjab

Respondent : Mr. Goverdhan Rao
PIO & Head Personnel Division
Bhabha Atomic Research Centre
Central Complex, 3rd floor
BARC, Trombay
Mumbai- 400085

RTI application filed on : 06/07/2010
PIO replied : 30/07/2010
First appeal filed on : 29/08/2010
First Appellate Authority order : 09/09/2010
Second Appeal received on : 18/11/2010

Information Sought:

Following information was sought regarding **KSKRA 21ST batch, Engineering branch:**

1. What criterion was used to shortlist the candidates for the interview e.g how the marks were allotted based on the application form.
2. Kindly supply a copy of the merit list(showing candidates shortlisted and not shortlisted for interview and also the marks awarded) of all the candidates prepared by the screening committee based on the selection criterion.
3. Whether those candidates were informed who were not shortlisted for the interview?
4. Kindly provide the details of the screening committee members.

Reply of the Public Information Officer (PIO):

PIO responded to the aforesaid queries except the fourth query which was denied under section 8 (1)(e) of the RTI Act, 2005 which was denied on the basis of having a fiduciary relationship.

Grounds for the First Appeal:

Appellant is aggrieved with the information provided as for the first query, the PIO has supplied only the total marks secured by the candidates against the criteria whereas the Appellant had asked for marks distribution for each attribute of quantitative and qualitative criteria.

Furthermore, the Appellant is not satisfied with the exemption claimed under section 8 (1)(e) for the fourth query.

Order of the First Appellate Authority (FAA):

The FAA agreed with the response of the CPIO, and the appeal was disposed off accordingly.

Grounds for the Second Appeal:

Appellant not satisfied with the order of the FAA.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Absent;

Respondent: Mr. Goverdhan Rao, PIO & Head Personnel Division on video conference from NIC-Mumbai Studio;

The appellant has filed second appeal claiming that the breakup marks were not supplied to him. The PIO states that his was not sought in the RTI application. The Commission now directs the PIO to provide the breakup marks to the Appellant.

The PIO has claimed exemption under Section 8(1)(e) of the RTI Act to refuse the information sought by the appellant about the members of the screening committee. This information cannot be considered information held in fiduciary capacity and hence the PIO's contention is not accepted. It is necessary that most information should be shared publicly.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 30 September 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.



Shailesh Gandhi
Information Commissioner
09 September 2011

(In any correspondence on this decision, mention the complete decision number. (NS))