

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2023/131323**

Ms. VARSHARANI SHIVAJI JADHAV

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO,  
Bhabha Atomic Research Centre (Mumbai)

...प्रतिवादीगण / Respondent

Date of Hearing : 18.04.2024

Date of Decision : 18.04.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 22.09.2022

PIO replied on : 14.11.2022

First Appeal filed on : 23.11.2022

First Appellate Order on : 09.01.2023

2<sup>nd</sup>Appeal/complaint received on : Nil

**Information sought and background of the case:**

The Appellant filed an RTI application dated 22.09.2022 seeking information on following points:-

*“According to Maharashtra State Information Commission head office order Maharashtra Mandal (BARC) Shikshan Sanstha, Nutan Vidya Mandir, I have received irrelevant information. Xerox copy of the above said letter has been attached. According to the information all the members of above said Shikshan Sanstha are the employees of Bhabha Atomic Research Centre (BARC). According to the information have the members taken permission from BARC to work for the Maharashtra Mandal Shikshan Sanstha (Nutan Vidya Mandir) Mankhurd. If the members have not taken permission to do so then is BARC to question them in this regard, after the enquiry what action will be taken against these members, and moreover in how many days will the enquiry will complete. All these questions from my side need an explanation on request. And I will be highly obliged if I receive this information in Marathi.”*

The CPIO, Bhabha Atomic Research Centre (Mumbai)vide letter dated replied 14.11.2022 as under:-

*“Point No. 1:-The information asked by the applicant is personal. So according to RTI Act 2005 8 (1) (j) is exempted from disclosure.  
Point no. 2 & 3:-According to section 2(f) of the RTI Act 2005 clarification echoes request for opinion and answers to questions do not fall within the definition of information.”*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 23.11.2022. The FAA vide order dated 09.01.2023 upheld the reply of CPIO.

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

Written submission dated 12.04.2024 has been received from the CPIO, BARC, Mumbai and same has been taken on record for perusal.

**Facts emerging in Course of Hearing:**

**Appellant:** Present through audio conferencing

**Respondent:** Mr. B.V. Balaji, Chief Administrative Officer- present through video conferencing.

The Appellant stated that the relevant information has not been furnished to him till date. She further stated that the similar information was provided earlier by the PIO in the year 2018 but same has been denied now.

The Respondent stated that the relevant information from their official record has been duly furnished to the Appellant. He further stated that the queries raised by the Appellant are clarificatory in nature and does not fall under the ambit of ‘information’ as defined under Section 2(f) of the RTI Act.

**Decision:**

Keeping in view the facts of the case and the submissions made during hearing, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent since only such information that is held and available with a public authority can be provided to the information seekers and giving reasons/ opinions/ interpretations, etc are beyond the scope of duty of the CPIO. Furthermore, written submission filed by the Respondent is comprehensive and self-explanatory. In the given circumstances, no further intervention of the Commission is warranted in this case under the RTI Act.

**Appeal is disposed of accordingly.**

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535



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**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil