

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

शिकायत संख्या / Complaint No. **CIC/BARCM/C/2024/647287**

LAV KR JHA

...शिकायतकर्ता/Complainant

VERSUS/बनाम

CPIO, Bhabha Atomic Research Centre,
Trombay, Mumbai

..प्रतिवादीगण/Respondent

Date of Hearing : 05.01.2026
Date of Decision : 08.01.2026

Chief Information Commissioner : Raj Kumar Goyal

Relevant dates:

RTI application filed on : 02.08.2024
PIO replied on : 02.09.2024
First Appeal filed on : 03.09.2024
First Appellate Order on : 04.09.2024
2ndAppeal/complaint received on : 24.10.2024

Information sought and background of the case:

1. The Complainant filed an online RTI application dated 02.08.2024 before the PIO, BARC, seeking the following information regarding his application for the Stipendiary Trainee Cat 2 Post, specifically for the position TR 33 as advertised on 21.04.2024. He sought the following information in the abovementioned factual context:

“Explanation for the Discrepancy Please provide an explanation for why the Skill Test which was scheduled for a total duration of six hours was conducted within a reduced time frame of one hour per segment

Assessment and Qualification Details Please provide the reasons for my non-qualification following the Skill Test and details on how the assessment was conducted

Rectification of Errors As per Rule 14 of the selection guidelines which allows for the rectification of any omissions or errors I request that you review my Skill Test performance and address any potential discrepancies ”

[reproduced verbatim]

2. The CPIO, BARC, Mumbai sent a reply dated 02.09.2024, as under:

“1-2: Seeking clarifications, reasons, opinions and answering hypothetical questions are not treated as information under section 2(f) of the RTI Act, 2005.

3: It is verified and observed that no error/omissions have happened in your case.”

3. Aggrieved with the PIO's reply, the Complainant filed an online First Appeal dated 03.09.2024, which was decided by the FAA/Actg. Controller vide order dated 04.09.2024, upholding the PIO's reply as under:

“5. After going through all the relevant documents and considering the factual matrix of the case, it is observed that PIO has rightly disposed of the RTI application stating that seeking clarifications, reasons, opinions and answering hypothetical questions are not treated as information under section 2(f) of RTI Act, 2005 with regard to query No 1 and 2. With regard to query No 3, requesting to review the skill test performance and address any potential discrepancies, it was informed that the there is no error/omission have happened.

6. Further, it is observed that the appellant in his RTI application has not sought any information but requested to explain the discrepancy in the skill test and reason for non qualification following the skill test and how the assessment was conducted and further requested to review his skill test performance and address any potential discrepancies. In this regard it is informed that RTI is the forum for providing material information and cannot be misused as a personal redressal mechanism. The PIO cannot be expected to examine the facts of the information provided and also solve individual grievances through the forum of RTI

7. Therefore, I UPHOLD the reply given by PIO, BARC and do not find any further scope for review or intervention on this Appeal..”

[reproduced verbatim]

4. Dissatisfied with the FAA's order, the Complainant filed the instant Complaint.

Facts emerging in course of Hearing:

5. Hearing was scheduled after giving prior notice to both the parties. The Respondent – PIO, BARC has, vide written submission dated 26.12.2025, reiterated the facts as discussed hereinabove. The Respondent has further added the following for consideration by the Commission:

"i) It is observed that the Appellant has sought explanations regarding the duration of the Skill Test, reason for non-qualification, and review of his performance after rectification of alleged omissions or errors. In this regard, it is observed that the procedure for the Skill Test, i.e., assessment on a Go/No-Go basis, was duly notified in the advertisement. With respect to the examination duration, a specific time period was mentioned only for the Level 1 and Level 2 examinations. As alleged by the Appellant, a six-hour duration for the Skill Test was nowhere specified in the notification. Candidates who qualified Level 2 were directed to report for the Skill Test on a scheduled date and time. No separate time was allotted to individual candidates; rather, the Skill Test was completed for all qualified candidates within the scheduled time period.

ii) As per Section 2(f) of the RTI Act, 2005, seeking clarifications, opinions, reasons, or hypothetical answers does not constitute "information". Accordingly, the reply furnished by the PIO, BARC is in conformity with the provisions of the RTI Act. Further, upon verification of records, it was categorically informed that no omission or error occurred in the Appellant's case. The same has been upheld by the FAA.

iii) It is further submitted that, the recruitment process in BARC is conducted in a fair, transparent, and well-defined manner, strictly as per notified rules and procedures. The procedures governing the recruitment process were clearly stipulated in the relevant Advertisement. Raising questions or seeking explanations regarding the recruitment outcome, without seeking any specific record or material information, does not fall within the scope of the RTI Act.

iv) It is respectfully submitted that the reply furnished by the Public Information Officer was guided strictly by the letter and spirit of the RTI Act, 2005, balancing the Appellant's right to access information with the statutory limitations prescribed under the Act. The PIO has neither denied any material information available on record nor withheld any document sought for; rather, the request was examined objectively and responded to in accordance with Section 2(f), which does not envisage providing explanations, reasons, opinions, or conducting reassessment of administrative decisions. The approach adopted ensures that the RTI mechanism remains a tool for transparency and access to records, and is not converted into an appellate or grievance-redressal forum for individual service matters. The decision thus reflects due application of mind, adherence to settled legal position, and procedural fairness, fully consistent with the mandate of the RTI Act and pronouncements of the Hon'ble Commission."

[reproduced verbatim]

6. The Complainant has also made a written submission dated 30.12.2025, adding completely new set of arguments stating that he requested for existing material records, specifically as under:

"The Skill Test Evaluation Sheet: The document containing the checkboxes, marks, or remarks made by the examiners during the Appellant's assessment (Reg No. 2350002621).

Attendance Logs/Logbooks: Records indicating the actual reporting time and release time of candidates on 20-01-2024, which will verify the duration of the test."

7. In the written submissions, the grounds specified by the Complainant are as follows: *"3.1. Procedural Irregularity: The Skill Test duration was reduced from 6 hours to 2 hours without notification. A laboratory test for a technical post requires sufficient time for accurate chemical reactions and measurements. Shortening the time constitutes a "procedural error." 3.2. Internal Audit (Rule 14): The selection guidelines (Rule 14) provide for the "rectification of omissions or errors". The Appellant cannot seek rectification unless the underlying records (evaluation sheets) are disclosed to verify if an error occurred. 3.3. Statutory Onus: Under Section 19(5) of the RTI Act, the onus to prove that the denial of information was justified lies strictly on the CPIO. The Respondent has failed to provide a speaking order or show how providing the Appellant's own evaluation sheet causes any harm." [reproduced verbatim]*

Concluding his submissions, the Complainant has sought the following directions:

1. Direct the CPIO, BARC to provide a certified copy of the Skill Test Evaluation/Assessment Sheet for the Appellant (Reg No. 2350002621).
2. Direct the CPIO, BARC to provide a copy of the Attendance/Logbook records for candidates of Post Code TR-33 for the date 20-01-2024 to verify test duration.
3. Direct the Respondent to comply with Rule 14 regarding the rectification of omissions if the records reveal a procedural lapse.

Complainant: Present during hearing.

Respondent: Mr. Stanly M K – PIO was heard through video conference during hearing.

8. The Complainant contended that he was not aggrieved because he was declared "NO-GO" (failed) in the Skill Test without any feedback or marks, despite demonstrating high technical merit and scoring well in the initial stages of selection. He has complained about procedural irregularity and sought the relief as mentioned in the written submission dated 30.12.2025. He also confirmed receipt of the written submission dated 26.12.2025 sent by the Respondent.

9. During the course of hearing, the Respondent contended that response in terms of provisions of the RTI Act had been sent to the Complainant. The Respondent referred to the written submission dated 26.12.2025 and stated that it has been clarified that there was no procedural irregularity addressing the issue raised by the Complainant. The Respondent reiterated that: "the procedure for the Skill Test, i.e., assessment on a Go/No-Go basis, was duly notified in the advertisement. With respect to the examination duration, a specific time period was mentioned only for the Level 1 and Level 2 examinations. As alleged by the Appellant, a six-hour duration for the Skill Test was nowhere specified in the notification. Candidates who qualified Level 2 were directed to report for the Skill Test on a scheduled date and time. No separate time was allotted to individual candidates; rather, the Skill Test was completed for all qualified candidates within the scheduled time period."

Decision:

10. Upon perusal of the records of the case and after hearing the averments of the parties, it is noted that the Respondent's reply is legally appropriate. The questions put forth by the Complainant in the original RTI Application were not in the nature of seeking information, as defined under Section 2(f) of the RTI Act. In fact the Complainant sought reasons for administrative decision/policy of the public authority, viz. his disqualification in the Skill Test and also sought review of his Skill Test performance. As such his queries do not qualify as "information" under the Section 2(f) of the RTI Act. It is worthwhile to rely on the following in this regard:

(i.) Order dated 03.04.2018, of the Bombay High Court while deciding the case of Dr. Celsa Pinto vs. The Goa State Information Commission, wherein it was held as under:

"..The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot be expected to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information..." emphasis supplied

(ii.) The Apex Court in Khanapuram Gandaiah vs Administrative Officer & Ors on 4 January, 2010 while deciding SPECIAL LEAVE PETITION (CIVIL) NO.34868 OF 2009 had discussed this issue as under:

"6. Under the RTI Act "information" is defined under Section 2(f) which provides:

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."

This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed, especially in matters pertaining to judicial decisions. A judge speaks through his judgments or orders passed by him. If any party feels aggrieved by the order/judgment passed by a judge, the remedy available to such a party is either to challenge the same by way of appeal or by revision or any other legally permissible mode. No litigant can be allowed to seek information as to why and for what reasons the judge had come to a particular decision or conclusion. A judge is not bound to explain later on for what reasons he had come to such a conclusion.

7. Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him."

Emphasis supplied

11. Since the Complainant has chosen to approach the Commission with this Complaint under Section 18 of the RTI Act, the only question which requires adjudication is whether there was any willful concealment of information. Records of the case reveal that the Respondent had sent the information, in accordance with the provisions contained in the RTI Act, 2005. Therefore, no question of deliberate or wilful denial of information arises in this case. It is worthwhile to refer to the judgment of the Hon'ble Supreme Court of India in the case of Chief Information Commissioner and Another v. State of Manipur and Anr. in Civil Appeal Nos. 10787-10788 of 2011 dated 12.12.2011, relevant extract whereof is as under:

"...30. ...The only order which can be passed by the Central Information Commission or the State Information Commission, as the case may be, under Section 18 is an order of penalty provided under Section 20. However, before such order is passed the Commissioner must be satisfied that the conduct of the Information Officer was not bona fide."

31. We uphold the said contention and do not find any error in the impugned judgment of the High court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information."

12. In the given circumstances, the Commission is of the opinion that response sent by the Respondent does not suffer from any legal infirmity and besides no case of deliberate or *malafide* denial or concealment of information by the Respondent has been made out. Hence, no action under Section 18 of the RTI Act is required.

The instant complaint is disposed of accordingly.

Sd/-

Raj Kumar Goyal (राज कुमार गोयल)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्राप्ति सत्यापित प्रति)

Bijendra Kumar (बिजेंद्र कुमार)
Dy. Registrar (उप-पंजीयक) /011-26186535



Copy to:

~~Lav Kr Jha
R/o Block No. 15, Plot No. 17,
Kalyanpuri, Delhi - 110091
Delhi, East Delhi, 110091~~

~~The CPIO,
Bhabha Atomic Research Centre,
Central Complex, 3rd Floor,
BARC, Trombay, Mumbai,
Maharashtra - 400085~~