

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/2024/647734**

Gantha Phani Chandra Shekar

...शिकायतकर्ता/Complainant

VERSUS/बनाम

CPIO, Bhabha Atomic Research Centre,
Trombay, Mumbai

..प्रतिवादीगण/Respondent

Date of Hearing : 05.01.2026
Date of Decision : 07.01.2026

Chief Information Commissioner : Raj Kumar Goyal

Relevant dates:

RTI application filed on : 30.08.2024
PIO replied on : 24.09.2024
First Appeal filed on : 24.09.2024
First Appellate Order on : 21.10.2024
2ndAppeal/complaint : 29.10.2024
received on

Information sought and background of the case:

1. The Complainant filed an online RTI application dated 30.08.2024 before the PIO, BARC, seeking the following information about recruitment process in BARC:

"If ATR and TYU from the UR category selected list do not join, then according to DoPT rules, and providing the fair opportunity based on merit, does PMI and NBI move into UR CATEGORY SELECTED LIST?"

If PMI and NBI move into UR CATEGORY SELECTED LIST, then the vacancies created in OBC CATEGORY SELECTED LIST would be filled by OBC category waiting list?"

[reproduced verbatim]

2. The CPIO, BARC, Mumbai sent a reply dated 24.09.2024 as under:

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

3. Aggrieved with the PIO's reply, the Complainant filed an online First Appeal dated 24.09.2024 which was decided by the FAA/Actg. Controller vide order dated 21.10.2024 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.

6. Moreover PIO can provide information which exists in material form or held by or under the control of public authority. This is in consonance with the Hon'ble CIC decision dated 30.01.2017 and 03.03.2017 in the case of Shri S.G. Ray Vs. CPIO, Directorate General of Vigilance, Customs and Central Excise, New Delhi wherein Hon'ble CIC held that under the RTI Act, 2005 only such information as is available and existing and held by the Public Authority or is under control of the Public Authority can be provided. The PIO is not supposed to create information that is not part of the record. He is also not required to interpret information or furnish replies to interrogative questions which do not fall within the purview of Section 2(f) of RTI Act, 2005.

7. Further, it is observed that in the appeal, the appellant has made some inferences quoting the Supreme Court decision and questioned about the mode of adjusting the OBC category against the general category. In this regard, it is informed that PIO cannot be expected to examine the facts of the information provided and also solve individual grievances through the forum of RTI.

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 additionally submitted the following details for consideration by the Commission:

"i) Seeking clarifications, reasons, opinions, or responses to hypothetical questions are not considered "information" under Section 2(f) of the RTI Act, 2005. This position is in consonance with the Hon'ble CIC decisions dated 30.01.2017 and 03.03.2017 in the case of Shri S.G. Ray Vs. CPIO, Directorate General of Vigilance, Customs and Central Excise, New Delhi, wherein it was held that only information existing and held by a public authority, or under its control, can be provided. The PIO is not required to create new information or interpret information for hypothetical scenarios.

ii) RTI is a mechanism for providing material information and cannot be used as a personal grievance redressal forum. The PIO cannot be expected to examine facts provided by the Appellant or resolve individual grievances. The recruitment process in BARC is conducted in a fair, transparent, and merit-based manner, and the procedures followed are already notified in the recruitment advertisement.

iii) It is respectfully submitted that the PIO's decision to limit the reply to material "information" as defined under Section 2(f) of the RTI Act, 2005, is fully in consonance with well-settled legal principles. The Hon'ble Central Information Commission has consistently held that a Public Information Officer is not obliged to create new information, interpret records, provide opinions, clarifications, hypothetical responses, or reasons for administrative decisions; the obligation is strictly limited to furnishing existing and held information under the control of the public authority. In similar CIC orders, it was clarified that the RTI Act does not require the PIO to create information or to interpret or clarify information not already available in records, and that requests for explanations or hypothetical scenarios fall outside the purview of Section 2(f) of the Act. CBSE vs Aditya Bandopadhyay (Civil Appeal No 6454 of 2011, Supreme Court of India) was relied upon in these decisions to underscore that the PIO is not required to obtain, generate or furnish opinions that are not part of record. The Commission has further reiterated that questions framed to elicit reasons or justifications (e.g., why a rule was applied in a particular manner) do not constitute "information" under Section 2(f) and are not amenable to disclosure. In the instant case, case, the Appellant's queries seeking hypothetical adjustments of vacancies, fair-opportunity outcomes, or categorical movement of candidates fall exactly within such non-information categories. Hence, the PIO's response, confined to what is available and existing in records, was in strict compliance with the RTI Act and the established jurisprudence of the Hon'ble Commission.."

[reproduced verbatim]

6. A copy of the aforementioned written submission has been sent to the Complainant.

Complainant: Not present despite service of hearing notice.

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

7. The Respondent during hearing contended that response in terms of provisions of the RTI Act had been sent to the Complainant and upon receipt of the written submission dated 26.12.2025, the Complainant had sent an email to the

Respondent withdrawing this complaint. The copy of the said email sent by the Complainant to the Commission was sent to an incorrect email address and hence was not received at the Commission.

Decision:

8. Upon perusal of the records of the case and after hearing the averments of the Respondent, it is noted that the Respondent's reply is appropriate and hence it is upheld.

9. 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. The records reveal that the Respondent had sent the information, in terms of the provisions of 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."

10. In the given circumstances, the Commission is of the opinion that response sent by the Respondent suffers from no legal infirmity and neither any case of deliberate or *malafide* denial or concealment of information by the Respondent is found in this case. Hence, no action under Section 18 of the RTI Act is required. Moreover, the Respondent has also submitted during hearing that the Complainant has withdrawn the instant case.

The instant complaint is disposed of accordingly.

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

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)



Bijendra Kumar (बिजेन्द्र कुमार)

Dy. Registrar (उप-पंजीयक)/011-26186535

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