

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP no. 16735 of 2013(O&M)

Date of Decision : 15.12.2015

Nisha Tanwar

....Petitioner

Versus

Haryana Public Service Commission, Panchkula and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.Arun Yadav, Advocate for the petitioner

Mr. Kanwal Goel, Advocate for respondent no.1

Mr. Hitesh Pandit, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner's grievance is against the directions of the Haryana Public Service Commission (hereinafter referred to as 'the Commission') which may be extracted herebelow:-

“““The Commission heard carefully the averments of both the parties and perused the record on the case file alongwith the rejoinder of the appellant dated 8.10.2012. The Commission noted that the information in response to point 1, 5 and 7 of the RTI application dated 20.4.2012 has been furnished and has been denied

in response to point 2, 3, 4 and 6 on the ground of third party.

Regarding point 6, the Commission observes that the marks awarded to the candidates in vivo-voce form the basis of the select list and the record is available with the public authority. The information is neither creative nor can be classified as secret or third party. The Commission directs the respondent SPIO that the information in response to point 6 of the RTI application i.e cut off of marks, marks awarded to the last selected SC category candidate in Screening Test as well as interview alongwith marks awarded for educational qualification, experience and academic qualification etc. be disclosed to the appellant within two weeks of receipt of this order and send a compliance report to the Commission latest by 28.6.2013.”

Subsequently, the Commission amended its own order and passed the following order:-

The Commission heard carefully the averments of both the parties and perused the record on the case file alongwith the rejoinder of the appellant dated 8.10.2012. The Commission noted that the information in response to point 1, 5 and 7 of the RTI application dated 20.4.2012 has been furnished and has been denied in response to point 2, 3, 4 and 6 on the ground of third party. Regarding point 6, the Commission observes that the marks awarded to the candidates in

vivo-voce form the basis of the select list and the record is available with the public authority. The information is neither creative nor can be classified as secret or third party. The Commission directs the respondent SPIO that the information in response to point 6 of the RTI application i.e cut off of marks, marks awarded to the last selected SC category candidate in Screening Test as well as interview alongwith marks awarded for educational qualification, experience and academic qualification etc. be disclosed to the appellant within two weeks of receipt of this order. Regarding information sought at point 2, 3 and 4 of the RTI application the selection process for the post has been completed. The appellant has a right to know the details as sought at point 2, 3 and 4 of the application. The respondent SPIO shall arrange the relevant record concerning the RTI application for inspection of the appellant ordered on the above issues. He shall send a compliance report to the Commission latest by 28.6.2013.”

The petitioner's grievance is indeed limited that information sought by him at point 2, 3 and 4 was not given to him even though he has been given access to the same with a direction to inspect the records.

Learned counsel for the petitioner contends that the petitioner is willing to pay for the entire charges even if the record is voluminous and

therefore it should not be an impediment in the way of providing him information by way of documents rather than permitting him to inspect the same.

Learned counsel for the respondent states that the respondent would have no objection if the petitioner makes the entire payment in terms of the provisions of the RTI Act to have access to that information.

Hence, instant petition is disposed of with liberty to the petitioner to approach the respondents to make the entire payment which is demanded by them for the records in which eventuality it shall be supplied to him.

December 15, 2015
rekha

(MAHESH GROVER)
JUDGE