

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

**C.W.P. No.22623 of 2011
Date of Decision : 09.03.2015**

Vinod Kumar

..... Petitioner

Versus

State Information Commission of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Harish Mehla, Advocate
for Ms. Divya Godara, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl.A.G., Haryana.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 22.09.2010 (Annexure P-8) allowing only inspection of the records from respondent's office.

The petitioner moved the application dated 06.04.2010 under the Right to Information Act for providing information regarding the records of the selected candidates against advertisement No.6/2006, category No.22. However, the same was not provided and he approached the State Information Commission who only allowed him to inspect the

records.

Learned counsel for the petitioner states that he would be satisfied if the respondent No.2 permits the petitioner to inspect the record of the selected candidates for the post of Art and Craft teacher against advertisement No.6/2006, Category No.22 and the requisite copies thereof be provided to him.

Learned Additional Advocate General states that this record is with the respondent No.4 and the petitioner can inspect the same but copies cannot be provided. In this connection, he has relied upon the judgment of the Hon'ble Supreme Court in the matter of ***Girish Ramchandra Deshpande vs. Central Information Commissioner and others, 2012(4) R.C.R. (Civil) 559.***

The facts of the aforesaid case are totally different from the present case because in that case the applicant wanted the information regarding personal income tax returns of some people and it was in that context the Hon'ble Supreme Court held as follows:-

“12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the above-

mentioned information sought for qualifies to be “personal information” as defined in clause (j) of Section 8(1) of the RTI Act.

13. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression “personal information”, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

14. The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information.”

However, in the present case it is the stand of the petitioner that unsuitable candidates have been selected and if he wants their educational details etc. it cannot be held to be such personal information as envisaged

by the Hon'ble Supreme Court in the above mentioned case. The argument of the learned Additional Advocate General that it would not be in the public interest to give this information can not also be countenanced because if the petitioner can show that any unqualified candidate has been selected the same cannot be held to be against the public interest and for this purpose it is not illegal for the petitioner to seek the educational and other details of the selected candidates.

In the circumstances, this petition is disposed of with a direction that the petitioner can inspect the necessary records with the respondent No.4 on any working day and, can be provided whatever copies he requires on payment of the requisite fees.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 09, 2015

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**(AJAY TEWARI)
JUDGE**