

CWP-23130-2014

Date of Decision : 27.04.2017

Vijay Kumar

.....Petitioner

versus

State Information Commissioner Haryana and anotherRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Aman Dhir, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Learned counsel for the petitioner has sought information pertaining to the marks obtained by him in written test, interview besides seniority list of general category and the details of the candidates appointed from other States like Delhi and examination of his OMR sheet by filing two applications dated 20.03.2013 and 28.03.2013. The communication by the State Public Information Officer, Haryana Staff Selection Commission Annexure P-15 indicates that all the information stands supplied to the petitioner except the list of District/State-wise data and permission to examine OMR sheets.

Though it is not legally necessary to know the reason for the request of particular information as per Section 6 (2) of the Right to Information Act but in order to know the nexus between the information

sought and purpose in context to the other provisions of Right to Information Act, the petitioner was asked regarding the reason for requesting for the information.

Learned counsel for the petitioner submits that the petitioner wanted to challenge the unfair selection of Conductors on account of being unfair and contrary to merits.

Petitioner has already been supplied the information sought for except for the inspection of the OMR sheet. The claim of the respondents is that the said OMR sheet is not available having been destroyed.

Learned counsel for the petitioner submits that the action of the respondents is unreasonable and OMR sheet of Kaushal Kumar, similarly circumstanced, was made available to him for inspection under the Right to Information Act.

Learned counsel for the respondents has clarified that since said Kaushal Kumar had moved an application in this regard earlier in time when the record was available, it cannot be said that the petitioner has been discriminated. During the pendency of the petition, the petitioner has again been permitted to inspect the entire record available with the Haryana Staff Selection Commission. An affidavit of SPIO Haryana Staff Selection Commission has been produced along with Annexure R-3 dated 07.04.2017 where the petitioner has admitted that he has inspected the record in OMR destroying order.

I have considered the entire facts and circumstances of the

case. Though the objective of seeking information is not relevant but since the petitioner has been supplied the entire information on the basis of which he could have, within a period of limitation, challenged the selection in accordance with law, a period of four years having already elapsed, I do not deem it appropriate, in the interest of justice, to issue any direction in this case or to impose any penalty on any one as per the provisions of Right to Information Act.

The petition is dismissed having outlived its utility the information having already been supplied to the petitioner taking into consideration the spirit and objective of Right to Information Act.

(M.M.S. BEDI)
JUDGE

27.04.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No