

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

LPA-2234-2017 (O&M)

Date of decision:- 24.07.2018

Krishan Kumar

...Appellant

Versus

State Information Commissioner, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Jagbir Malik, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-4910-LPA-2017

After having heard learned counsel for the appellant, we are of the considered opinion that 60 days' delay in filing the appeal is liable to be condoned.

The delay condonation application stands accordingly allowed.

LPA-2234-2017

The petitioner-appellant approached this Court by filing a writ petition being CWP-21802-2013 for quashing the orders passed by the first and the second Appellate Authorities, whereby the required information was not provided to him. The writ petition was contested by learned State counsel stating that the information sought by the petitioner-appellant had already been furnished to him.

2. Dispute in nut-shell is that pursuant to an advertisement issued by the Haryana Staff Selection Commission

Haryana Roadways, the petitioner-appellant was one of the applicants. He qualified the written test and appeared in the interview. However, when final result was declared, his name was not there in the list of the selected candidates. He applied for information under the Right to Information Act (in short the Act), but the information was refused to be supplied by respondent No. 3 - State Public Information Officer (SPIO) on the ground that the information sought by him had no relation with any public activity or interest and, thus, it was exempted under Section 8(1)(J) of the Act. He went up in appeal before the first Appellate Authority-cum-Secretary, HSSC, Panchkula.

3. A categorical finding has been recorded by the first Appellate Authority that the petitioner-appellant was allowed to inspect the OMR sheet/key of answer/question paper in the office of the Commission on 22.04.2013 after 3.00 PM. On 25.04.2013, after the inspection, detailed information, whatsoever was required, was noted down by him. On the basis of the aforesaid finding, the appeal filed by the petitioner-appellant was dismissed. Still dissatisfied, the petitioner-appellant went up in further appeal before the State Information Commissioner, Haryana, which has also been dismissed on the ground that the petitioner-appellant has already got the requisite information as he was permitted to inspect the OMR sheet/key of answer/question paper in the office of the Commission. Still not satisfied, the petitioner-appellant approached this Court by filing the writ petition which has again been dismissed on the same finding that he has already been permitted to inspect the relevant records and, thus, he was supplied the desired information. The

the petitioner-appellant was allowed to inspect the record which has been affirmed by the State Information Commissioner, Haryana. Learned counsel for the appellant tried to persuade us that since the OMR sheet was not available with the Commission, hence the findings recorded by the first Appellate Authority and the State Information Commissioner are factually incorrect. On a minute scrutiny of the averments made in the writ petition, what we find is that the petitioner-appellant does not deny the fact that he was permitted inspection on oath, but in paragraph 15, he has very cleverly stated that he was allowed only 20 minutes' time to inspect the record and as such the entire record could not be inspected by him. However, it was nowhere stated that the OMR sheet was not available and hence was not shown to him.

4. In view of the aforesaid findings and the averments made by the petitioner-appellant himself in the writ petition, we find no infirmity in the impugned order passed by the learned Single Judge which may require any interference by this Court.

5. The appeal fails and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.07.2018
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No