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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 311/2018 & CM APPL. 22827/2018

ALL INDIA INSTITUTE OF MEDICAL SCIENCES Appellant

Through: Mr. Aldanish Rein, Adv.

versus

SAKSHI MATHUR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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28.05.2018

The All India Institute of Medical Sciences (AIIMS), the present appellant, questions an order of the learned Single Judge who had rejected its writ petition. The AIIMS had denied the request to the applicant's query with respect to providing information regarding the question paper and the answer key. It had relied upon the previous judgment of this Court in *All India Institute of Medical Sciences v. Vikram Bhuria*; LPA 487/2011 decided on 28.05.2012.

This Court is of the opinion that the Division Bench's attempt to distinguish the ruling of the Supreme Court, in *Institute of Chartered Accountants of India v. Shaunak H. Satya & Ors.* (2011) 8 SCC 781 and *Central Board of Secondary Education v. Aditya Bandopadhyay* (2011) 8 SCC 497 by observing that it is difficult to visualize the kind of exemptions that may exist, and at the same time stating that Section 8 attempts to do so, cannot be construed as

conclusive so as to go beyond the statute and carve out exceptions without Parliamentary sanction. Section 8 of the Right to Information Act significantly starts with the non-obstante clause “notwithstanding anything contained in this Act”. It therefore, constitutes an exception to the general rule of information supply mandated by various provisions of the Act. It is only when the subject matter is such that it falls within Section 8(a) to Section 8(h), is the public body justifiably authorized to withhold the information. The other condition envisioned in the Act is that certain departments and agencies listed in the Second Schedule, are exempt. Barring these two, there is no class of “information” (which is also specifically defined) that is exempt from disclosure. Section 22 of the Act overrides all other enactments including the Official Secrets Act.

Having regard to all these provisions, the Court is of the opinion that there is no infirmity with the direction of the learned Single Judge.

The appeal is consequently dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 28, 2018

kks