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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1645/2013 & CM APPL. 3100/2013
UNION PUBLIC SERVICE COMMISSION Petitioner
Through Mr.Naresh Kaushik, Adv.

versus

SITARAM AHIRWAR Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
25.02.2020

1. This writ petition is filed by the petitioner seeking an appropriate direction to quash the judgment dated 05.10.2012 passed by CIC.
2. None has been appearing for the respondent. Even on the last two dates, none had appeared for the respondent.
3. The respondent had filed an application under Right To Information Act, 2005 (*hereinafter referred to as the 'RTI Act'*) on 03.08.2011 with the petitioner seeking information, which pertained to the minutes of the meetings for preparation of the select list for promotion of SCS Officers of Madhya Pradesh. Relevant portion of the said application reads as follows:
“i) Minutes of meetings held during 2010 and 2011 for preparation of the Select Lists 2009 and 2010 for promotion of SCS officers of Madhya Pradesh cadre to Indian Administrative Service.”
4. The CIC by the impugned order regarding the above request of the respondent, directed as follows:
“5. We have carefully considered the demands of the

Appellant and the submissions made by the Respondents. We tend to agree with the Respondents as far as the copy of the correspondence is concerned. Photocopying huge volumes of correspondence as in this case is bound to disproportionately divert the resources of the UPSC. Therefore the CPIO has been very fair in inviting the Appellant to visit the office and see the records for himself. However, in regard to the copies of the minutes of those meetings which did not result in the approval of the competent authority, we have only to say that the copies of those minutes will have to be disclosed if these are still in existence. Therefore, we direct the CPIO to forward to the Appellant the copies of those minutes, if available, within 15 working days of receiving this order.”

5. Learned counsel for the petitioner submits that the aforementioned direction of the CIC are completely erroneous. He submits that the minutes of the meeting which do not result in any final order being passed or do not form part of the public record, cannot be said to be information in the context of the RTI Act. He relies upon the judgment of the Full Bench of this court in the case of *Secretary General, Supreme Court of India v. Subhash Chandra Agarwal*, AIR 2010 Delhi 1597.

6. A perusal of the aforementioned judgment would show that the Full Bench had opined as follows:

“62. The apprehension of the learned Attorney General that unless a restrictive meaning is given to Section 2(j), the notes or jottings by the Judges or their draft judgments would fall within the purview of the Information Act is misplaced. Notes taken by the Judges while hearing a case cannot be treated as final views expressed by them on the case. They are meant only for the use of the Judges and cannot be held to be a part of a record "held" by the public authority. However, if the Judge turns in notes along with the rest of his files to be maintained as a part of the record, the same may be disclosed. It would be thus retained by

the registry. Insofar as draft judgments are concerned it has been explained by Justice Vivian Bose in *Surendra Singh v. State of UP* AIR 1954 SC194:

"Judges may, and often do, discuss the matter among themselves and reach a tentative conclusion. That is not their judgment. They may write and exchange drafts. Those are not the judgments either, however heavily and often they may have been signed. The final operative act is that which is formally declared in open court with the intention of making it the operative decision of the Court. That is what constitutes the judgment"..."

The above observations though made in a different context, highlight the status of the proceedings that take place before the actual delivery of the judgment. Even the draft judgment signed and exchanged is not to be considered as final judgment but only tentative view liable to be changed. A draft judgment therefore, obviously cannot be said to be information held by a public authority."

7. It is clear that what the respondent had sought were the minutes of the meeting where some deliberations have taken place for preparation of the select list. This meeting or rough notes had no finality and were merely steps for preparation of the final minutes.
8. In view of the observations noted by the Full Bench of this court, these documents would not fall within purview of the RTI Act. It is not information held by a public authority. The impugned order of the CIC suffers from infirmity same is accordingly *set aside*.
9. The petition is disposed of as above.

JAYANT NATH, J.

FEBRUARY 25, 2020/v