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W.P.No.42914 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.42914 of 2016

A.Manuel

... Petitioner

VS.

- 1.The Chief Information Commissioner,
Central Information Commission,
Club Building, Block No.4,
5th Floor of the Old Jnu Campus,
New Delhi – 110 067.
- 2.The Appellate Authority/
The Field General Manager
Zonal Office, 48/49, Montieth Road,
Egmore, Chennai – 600 008.
- 3.Central Public Information Officer/
Regional Manager,
Central Bank of India – Regional Office,
Raja Muthiah Mandram,
Dr. Ambedkhar Salai,
K.K.Nagar, Madurai – 625 020.
- 4.X.Anisettan, Clerk/ Cashier,
Central Bank of India,
Holy Cross College Campus,
Kurusady Branch, Nagercoil – 629 003.

... Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 1st respondent in CIC/SH/A/2015/000021 dated 18.04.2016 confirming the order of the 2nd and 3rd respondents denying the information on the ground of fiduciary relationship between bank employee and employer and to quash it with cost as illegal, arbitrary, ambiguous and against the provision under the Right To Information Act, 2005 and consequently direct the third respondent to grant all the information required by the petitioner.

For Petitioner : Mr.R.Rajendran

For Respondents : Mr.Rabu Manohar for R1 to R3

R4 – No appearance

ORDER

The challenge in this writ petition is to the order of the Central Information Commission upholding the order of the appellate Authority viz., Central Public Information Officer, Central Bank of India granting certain information sought for by the petitioner and refusing certain information.

2. By his application dated 04.07.2014 made under the Right to



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Information Act, the petitioner sought for the following information from the

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1. *The designation of Mrs. Annie considered as an Assistant, in Central Bank of India, Holy Cross College extension Counter of Nagercoil branch, Kanyakumari District, Tamil Nadu.*
2. *The circumstances/ merits under which Mrs. Annie previously a peon, was promoted as Assistant within 1 or 2 years of service as a Peon over-riding the seniority of other Peons.*
3. *The period, she worked as a Peon.*
4. *Date of her appointment as an Assistant/ Clerk.*
5. *Whether she has passed the competitive Test for Assistants in bank conducted by the Banking Service Commission or any other Authority or any Departmental test.*
6. *Her Educational qualifications and Date of Birth at the time of appointment as Assistant.*
7. *Whether she is a widow and belongs to SC/ST category.*
8. *Copies of certificates with respect to her educational qualifications, Date of birth, widow status, SC/ST category and competitive test/ promotional test passed by her if any.*



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3. The Original Authority replied, on 14.07.2014, to certain questions

viz., Question Nos.1,3, 4 and 5. As regards 2, 6, 7 and 8, it was stated that this information is exempted under Section 8 (1) (j) of the Act and therefore the same cannot be disclosed.

4. An appeal was filed by the petitioner before the Appellate Authority. The first Appellate Authority agreed with the Original Authority and refused to give the information sought for in question Nos.2, 6, 7 and 8. Aggrieved, the petitioner filed an appeal before the Chief Information Commissioner, Central Information Commission.

5. Since there was some delay in the disposal of the appeal by the Chief Information Commissioner, the petitioner approached this Court and this Court directed the 1st respondent to consider the appeal and dispose of the same within a period of eight weeks. Thereafter, the order impugned in this writ petition came to be passed by the Chief Information Commissioner, wherein, it was held that the Bank was justified in refusing to give the information sought for in question Nos.2, 6, 7 and 8. As regards question No.3, the Chief Information Commissioner directed the Bank to furnish the

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exact period during which the private respondent viz., 4th respondent had served as a Peon in the Bank. As regards question Nos.2, 6, 7 and 8, the Chief Information Commissioner agreed with the contention of the Bank that it would be exempted information under Section 8 (1) (e) and 8 (1) (j) of the Right to Information Act.

6. The learned counsel for the petitioner would contend that Section 8 (1) (e) will not apply to the facts of the case and the information regarding qualification and marks obtained in the interview will not be a personal information falling under Section 8 (1) (j).

7. I am unable to countenance the contention of the learned counsel for the petitioner. The Central Information Commission itself has relied upon the judgment of the ***THDC India Ltd., Vs. R.K.Raturi [W.P.(C).903 of 2013]***, wherein, the Court has held that the interview marks contained in DPC proceedings cannot be disclosed to a third party. The same analogy would apply to question Nos.2, 6, 7 and 8 which has been sought for by the petitioner. The Hon'ble Supreme Court in ***Union Public Service***



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Commission Vs. Gourhari Kamila reported in **2014 (13) SCC 653** had held

that the Public Service Commission cannot disclose the information regarding the experience together with certificate of experience of the candidates who were called for interview in the course of a recruitment process.

8. I am of the considered opinion that the principle on which the said decision rests would apply to the case on hand also. Since the Bank viz., employer who conducts the interview or written test for promotion, stands in a fiduciary capacity towards employee and information cannot be disclosed to a third party.

9. In the light of the above, I do not see any ground to interfere with the order of the Central Information Commission. The writ petition therefore, fails and it is accordingly **dismissed**. No costs.

12.07.2022

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Index: No

Internet: Yes

Speaking order



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R.SUBRAMANIAN, J.

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