

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 01.11.2022

ORDER PRONOUNCED ON : 03.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.10029 of 2015

M.Sudhakar

....Petitioner

Vs

1.The State Information Commissioner
Tamil Nadu State Information Commission
No.2, Thiyagaraja Salai
Alaiammankoil Near
Thenampettai, Chennai -18

2.The Appellate Authority
Tamil Nadu Electricity Board
NPKRR Maaligai
Anna Salai
Chennai 600 002

3.The Public Information Officer
Tamil Nadu Electricity Board
NPKRR Maaligai
Anna Salai
Chennai 600 002

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide his office proceedings in Letter No.043013/1003/G.57/G.572/2014 dated 10.03.2015 and quash the

same as illegal and consequently direct the third respondent to provide information for the application dated 07.03.2014 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.K.K.Senthil

For R2 & R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The present writ petition has been filed challenging an order passed by the Public Information Officer refusing to furnish information as sought for by the writ petitioner.

2.The writ petitioner had sought for information from the third respondent herein on 07.03.2014. In the said application, information were sought for with regard to the four categories. Since the Information Officer did not provide with the information, the petitioner had filed an appeal before the first respondent authority. While the appeal was pending, the Public Information Officer has chosen to answer all the queries except the first item.

3.The petitioner herein had approached the State Information Commission. The State Information Commission by an order dated 20.01.2015 has directed the Public Information Officer to provide

information as far as it is within the provisions of law. Thereafter, the third respondent has passed the present impugned order on 10.03.2015 refusing to furnish information with regard to the first query raised by the writ petitioner. Hence, the present writ petition.

4. According to the learned counsel for the petitioner, the petitioner had applied for ITI Helper post in Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO) with all the relevant qualifications. However, he was not selected. Hence, he had sent a representation on 07.03.2014 seeking information about the mark list of all the candidates who attended the oral test for the post of ITI Helper in 2013-2014 in various Districts and provide mark details including not selected candidates for the post of TNEB Helper. Apart from this query, the petitioner has also raised a query relating to the number of vacancies, procedure for selection process and cut of marks for all the communities. As far as the other queries are concerned, all of them were answered by the Public Information Officer by his order dated 03.07.2014. However, his request for providing mark list of all the candidates who had attended the oral test in various Districts was rejected on the ground that it relates to third party information and there is no provision under Right to Information Act, 2005 for providing such an information. After the order passed by the State Information Commission on

21.01.2015, the Public Information Officer has passed the impugned order on 10.03.2015 pointing out that the call letters were sent to 16000 candidates. Out of them, 11000 candidates have participated in the interview. Based upon the interview conducted by the selection committee, 4000 candidates have been appointed as Helper. Since the information sought for by the writ petitioner relating to mark statement relates to third party information and it is voluminous in nature, it cannot be divulged. The said order is under challenge in the present writ petition.

5.The learned counsel for the petitioner had further contended that being a candidate to the said selection process, he is entitled to know the marks of all the candidates. Hence, he prayed for allowing the writ petition.

6.Per contra, the learned Standing Counsel appearing for the third respondent had contended that the petitioner wants the mark statement of 11000 candidates who have participated in various Districts in the State of Tamil Nadu. It is voluminous in nature and it clearly covered under Section 7(9) of the Right to Information Act, 2005 and the same cannot be provided. The cut-off marks for each community has already been furnished to the petitioner and the petitioner is very well aware whether he falls within the zone of consideration or not. In such an event, insisting for release of mark

statement of the candidates who got selected and not selected cannot be provided with. Hence, he prayed for dismissal of the writ petition.

7.I have considered the submissions made on either side and perused the materials available on record.

8.The writ petitioner has sought for information relating to four categories on 07.03.2014. Out of four categories, information has been provided for three categories by the Public Information Officer on 03.07.2014. The only query which remains unanswered is the query relating to the mark statements of 11,000 candidates who had appeared for the interview for the post of Helper in the year 2013-2014. The writ petitioner has already been provided with cut off marks for each community. Hence, the petitioner very well knows whether he falls within the zone of consideration or not. It is not the case of the petitioner that he has secured more marks than the cut of marks mentioned in the information provided by the third respondent herein. Hence, the third respondent was right in invoking Section 7(9) of the Right to Information Act, 2005 that an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authorities.

9.In view of the above said facts, I do not find any illegality or infirmity in the order passed by the third respondent herein. The writ petition is devoid of any merits and the same is dismissed. No costs.

03.11.2022

Internet : Yes/No

Index : Yes/No

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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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