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W.P. No. 2113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No. 2113 of 2023

S. Sivaranjani

.. Petitioner

Versus

1. The Registrar General
High Court of Madras
Chennai - 600 104.

2. Judicial Recruitment Cell
Represented by Registrar
High Court Madras
Chennai - 600 104.

.. Respondents

Prayer Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the respondents to disclose the name of the candidate selected for the post of Office Assistant in Judicial Service for Dharmapuri District on priority basis under the Intercaste Marriage category along with the marks secured by the said candidate pursuant to Notification No.67/2021 dated 18.04.2021 for the post of Office Assistant in the Judicial Service in Dharmapuri District issued by the second respondent.

For Petitioner : Mrs. Nalini Chidambaram
Senior Counsel
for Ms. C. Uma

For Respondents : Mr. B.Vijay



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ORDER

(Order of the Court was made by R.MAHADEVAN, J)

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Heard Mrs. Nalini Chidambaram, learned senior counsel appearing for the petitioner and Mr. B. Vijay, learned counsel taking notice for the respondents and perused the materials placed on record, including the pleadings of the parties.

2. The petitioner is one of the unsuccessful candidates, who could not get selected to the post of Office Assistant in the recruitment drive conducted by the respondents.

3. The petitioner has filed this writ petition stating that by the notification No. 67/2021 dated 18.04.2021, the second respondent invited applications on-line for selection and appointment to the post of Office Assistant in Judicial Service for Dharmapuri District. The petitioner submitted her application under the priority category as a dependent of Ex-Serviceman. On the basis of her application, the petitioner was called upon to write a written examination as well as practical examination and thereafter, she has also attended the oral interview. It is stated that the petitioner has secured 43.2 marks in both practical and oral test, which is more than the cut off mark fixed by the respondents. However, when the results were published on 07.12.2021,



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her name did not find a place. On enquiry, the petitioner came to know that no one has been appointed to the post of Office Assistant under the priority category. Therefore, the petitioner submitted a letter dated 10.12.2021 to the respondents seeking to appoint her to the post of Office Assistant under the BC priority category for dependants of Ex-serviceman. As there was no response to her letter, she filed WP No. 7950 of 2022 before this Court seeking to issue a Mandamus directing the second respondent to select and appoint her to the post of Office Assistant.

4. In WP No. 7950 of 2022, on behalf of the petitioner, it was argued that the petitioner, as a candidate under the priority quota, is entitled for being selected under Group II (iii) category, yet her candidature was not considered by the respondents. On the other hand, the petitioner was treated as a candidate under Group I (ii) priority quota category, which is unsustainable. The Division Bench of this Court rejected such contention by concluding that if the petitioner declared her priority under Group II (iii) in the application itself, subject to the marks obtained by her in the written examination, her candidature would have been considered and now she cannot turn around and change the category under which she has been considered and the prayer of the petitioner to change the category cannot be considered. Accordingly, this Court



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dismissed the writ petition filed by the petitioner. After dismissal of the aforesaid writ petition, the petitioner has come forward with the present writ petition for the relief stated supra.

5. According to the learned Senior counsel for the petitioner, subsequent to the dismissal of WP No. 7950 of 2022, the petitioner came to know that one post of Office Assistant in the Dharmapuri District has been allotted to a candidate under the *inter caste* marriage category. It is the contention of the learned Senior counsel for the petitioner that a person, who applied under the *inter caste* marriage category, will not fall under the priority category and considering such a candidate under the priority category is unconstitutional. The petitioner therefore submitted an application dated 27.06.2022 invoking The Right to Information Act, but it was rejected by an order dated 12.07.2022 stating that the information sought to be disseminated would amount to invading into the privacy right of an individual and it cannot be divulged. Aggrieved by the order dated 12.07.2022 passed by the Public Information Officer, the petitioner has filed an appeal under The Right to Information Act before the first respondent and it was also rejected by an order dated 10.11.2022, hence, the present writ petition.



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6. The learned Senior counsel for the petitioner invited our attention to the order dated 10.11.2022 passed by the first respondent refusing to disseminate the information and submitted that the disclosure of such information will not come within the purview of Section 8 of the Act and therefore, the respondents ought to have divulged the information sought for by the petitioner. The learned Senior counsel for the petitioner therefore prayed for issuing appropriate direction to the respondents to furnish the information sought for by the petitioner.

7. The learned standing counsel appearing for the respondents, on instructions, submitted that the petitioner, in her application under the Right to Information Act, has not sought for furnishing the name of the candidate selected under the intercaste marriage category. On the other hand, the petitioner sought to furnish the details of the candidate who has been appointed to the post of Office Assistant in Judicial Service for Dharmapuri District under the Intercaste Marriage category along with the marks secured by the candidate and the candidate's address so as to enable her to challenge such appointment. It is in those circumstances, the information sought for by the petitioner was refused. The learned counsel for the respondents therefore prayed for dismissal of the writ petition.



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8. It is no doubt true that Section 8 of the Right to Information Act provides for exemption from disclosing certain information. Section 8 (1) (j) of the said Act specifically provides for exemption to disclose personal information, which has no relevance to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual. In the present case, the petitioner seeks for disclosure of the candidate appointed to the post of Office Assistant in Dharmapuri District along with the marks secured as also the address. Such information sought for by the petitioner would certainly fall within Section 8 (1) (j) of the Act and it cannot be provided. Therefore, the respondents are wholly justified in refusing to divulge the information sought for by the petitioner.

9. However, we are of the view that the respondents shall disclose the name of the candidate, appointed to the post of Office Assistant, under the inter caste marriage category, for which there is no embargo under the Act and it will not fall within the exemptions carved under Section 8 (1) (j) of the Act. Accordingly, the respondents are directed to disclose to the petitioner the name of the candidate, appointed to the post of Office Assistant in Dharmapuri District, in response to the application submitted by him under the Act within a period of two weeks from the date of receipt of a copy of this order.



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10. Accordingly, this writ petition is disposed of. No costs.

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(R.M.D.J.,)

(M.S.Q.J.,)

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Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non-Speaking Order

maya/rsh

To

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Chennai - 600 104.
2. Judicial Recruitment Cell
Represented by Registrar
High Court Madras
Chennai - 600 104.



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R. MAHADEVAN, J
and
MOHAMMED SHAFFIQ, J

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