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

+ **W.P.(C) 10719/2024**

SARASWATI SHRESTHA

.....Petitioner

Through: Mr. Ratnesh Kumar Singh, Mr.
Bimlesh Kumar Singh, Mr. Santosh
Kumar Yadav, Advocates.

versus

THE CENTRAL PUBLIC INFORMATION OFFICER

.....Respondent

Through: Mr. V.S.R. Krishna, Mr. Yagya
Srivastava, Mr. V. Sashank, Mr. Alok
Jain, Advocates

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
05.08.2024

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1. The Petitioner filed an application dated 10th September, 2022 with the Central Public Information Officer (CPIO), Indian Nursing Council, seeking the following information “Please provide certified copy of entire file File No.7-2/2016-INC (13)-648 dated 30.08.2022.” In response, the Petitioner received communication dated 6th October, 2022 to the following effect:

“Sir,
Please refer to your RTI application dated 10/09/2022 alongwith two

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Postal order no. 59F 823612 & 57H 564140 of Rs. 10/-(as RTI fees) & Rs. 100/-(which is being returned to you in original) respectively, received by this Council on 13/09/2022. The information is given below RTI applications as under:-

Q. This is to draw your kind attention that I have passed Proficiency Certificate Examination in Nursing in year 2009 and has submitted an application for equivalency of nursing qualification, which has been rejected by you vide File no.7-2/2016-INC (13)-648 dated 30.08.2022. Copy of the said letter is enclosed herewith. I need following information:-

(1) Please provide certified copy of entire file no.7-212016-INC (13)-648 dt.30.08.2022

Reply: INC issued letter vide F.no.7-2/2016-INC(13)-648 dt.30/08/2022 herewith enclosed. Further, it is informed that said file is strictly confidential as disclosure of information to the public could harm the interest of the person/individual under section 8(1) (j) of RTI Act, 2005.

This disposes off RTI application dated 10/09/2022, received on 13/09/2022.

This issues with the approval of Competent Authority.”

2. The copy of the letter bearing file No. 7-212016-INC (13)-648 dated 30th August, 2022 was provided to the Petitioner. The Petitioner still not satisfied with the response, preferred first appeal which was also decided against the Petitioner to the following effect:



भारतीय उपचर्या परिषद्

आठवीं तम, एनबीसीसी सेक्टर, प्लॉट नं. 2, कम्युनिटी
सिन्डर, ओखला फेज-1, नई दिल्ली - 110020



Annexure P-5 (Copy)
INDIAN NURSING COUNCIL

8th Floor, NBCC Centre, Plot No. 2, Community Centre,
Okhla Phase-I, New Delhi - 110020

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स्वास्थ्य एवं परिवार कल्याण मंत्रालय के तहत सांविधिक निकाय
Statutory Body under the Ministry of Health & Family Welfare

Appeal

F.No. 23-8/257/2022-INC / 1492

Dated: _____

To,

28 NOV 2022

✓ Ms. Saraswati Shrestha
Road No. 6d,
SBI ATM Gali (Electricity Office)
Prince Colony, Gardanibag,
Patna- 800002, Bihar

Sub: First Appeal - reg.

Ref:- INC issued letter dated 06/10/2022 .

Sir/Madam,

Please refer to your **First Appeal** application dated 18/10/2022 along with postal order no. 56F 865224 of rs. 10/- is being returned to you in original. It is informed that the ground for Appeal, mentioning that the information sought is not provided is totally false & baseless. You have filed initial RTI dated 10/09/2022, received by this Council on 13/09/2022. The same was replied vide F.no. 23-8/257/2022-INC/ 952 dt. 06/10/2022.

The matter has been reviewed and the information is given below.

It is again reiterated that the certified copy of entire file cannot be shared under section 8(1)(g) of RTI Act, 2005.

INC has received letters from the applicant with regard to equivalency of nursing qualification & replied as mentioned below:-

Letter received in INC from applicant	INC reply letter
Letter no. nil dt. 19/09/2016	F.No. 7-2/2016-INC (13) dt. 15/09/2016
Letter no. nil dt. 08/02/2017	F.No. 7-2/2016-INC (13) dt. 19/04/2017
Letter no. nil dt. 14/09/2017	F.No. 7-2/2016-INC (13) dt. 01/03/2018
Letter no. nil dt. 07/05/2020	F.no. 7-2/2016-INC (13) dt. 15/06/2020
Transferred from MoHFW vide F.No. Z.28015/09/2020-N-Part (1) dt. 30/12/2020	F.No. 7-2/2016-INC (13) dt. 27/01/2021
Letter no. nil dt. 09/08/2021	F.No. 7-2/2016-INC (13) dt. 30/11/2021
Letter no. nil dt. 08/08/2022 & Transferred from MoHFW vide F.No. A.11022/3/2022-N-Part (1) dt. 10/08/2022	F.No. 7-2/2016-INC (13) dt. 30/08/2022
RTI application dt. 10/09/2022	F.No. 23-8/257/2022-INC dt. 06/10/2022

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भारतीय उपचर्या परिषद्

आठवीं मल, एनवीसीसी सेंटर, प्लॉट नं. 2, कम्युनिटी
सेन्टर, ओखला फेज-1, नई दिल्ली - 110020



INDIAN NURSING COUNCIL

8th Floor, NBCC Centre, Plot No. 2, Community Centre
Okhla Phase-I, New Delhi - 110020

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स्वास्थ्य एवं परिवार कल्याण मंत्रालय के तहत सांविधिक निकाय
Statutory Body under the Ministry of Health & Family Welfare

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INC has already informed you through letters quoted above that the basic nursing qualification acquired you is PCL Nursing Diploma qualified from Council for Technical Education and Vocational Training, Bhaktapur, Nepal which is not equivalent to GNM course prescribed by the Indian Nursing Council. Since, your basic nursing qualification is not equivalent & cannot be registered as RNRN in State Nursing Council to practice in India. (copies letters attached)
Hence, ground of appeal is absolutely false & baseless.

This disposes off First Appeal dated 18/10/2022, received on 03/11/2022.

Yours faithfully,


T. Dileep Kumar
President/F.A.A.

Self Attested
S. Dasgupta

3. The Petitioner escalated the matter before the Central Information Commission (CIC) who have also declined to interfere directing as follows:

“Decision:

Upon perusal of records of the case and hearing averments of the parties,



it is noted that the Respondent had furnished appropriate information, based on available records, as permissible under the law. Hence, reply sent by the PIO is found to be legally appropriate and thus upheld. It is noted that the written submission dated 16.05.2024 filed by the Respondent contains detailed and self explanatory information. Therefore, the Respondent is directed to send a copy of the written submission dated 16.05.2024, to the Appellant, within two weeks of receipt of this order and submit a compliance report in this regard before the Commission within one week thereafter. No further intervention is warranted in this case, under the RTI Act.”

4. The Petitioner now invokes the jurisdiction of this Court under Article 226 of the Constitution of India and urges that the Respondents must be directed to furnish the information which was applied for. They argue that the information applied under communication dated 10th September, 2022 has not been provided.

5. In the opinion of the Court, the communication dated 10th September, 2022, specifically requested for only copy of the communication dated 30th August, 2022 which was bearing a file No. 7-212016-INC (13)-648. Indeed, this communication has been provided, a fact which is duly acknowledged by the Petitioner. They, however, submit that there would be something more than the communication in the file. However, in the opinion of the Court, the application under RTI, was specific to communication dated 30th August, 2022 which has been categorically mentioned in the application and the same has been provided.

6. Moreover, the basis for such a decision has been sent out by the Respondent in the written statements dated 16th May, 2024 which has also been provided.

7. In light of the above, whether this information supports the decision of 30th August, 2022, is not the subject matter of the present petition. As far



as the compliance in the RTI is concerned, the Court is satisfied that the same has been met and accordingly the Court finds no ground to entertain the present writ petition.

8. In the meantime, counsel for the Petitioner urges that apart from the communication dated 30th August, 2022, there are other documents in the file No. 7-2/2016-INC (13)-648 for which they should be given liberty to apply again under RTI Act. It is thus clarified that if the Petitioner were to seek additional information, the same shall be considered in accordance with law.

9. The present petition is disposed of accordingly.

SANJEEV NARULA, J

AUGUST 5, 2024/ab