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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10988/2024, CM APPL. 45330/2024**
VEDPRAKASH PATHAKPetitioner

Through: Ms. Aditi Gupta, Advocate.

versus

PUBLIC INFORMATION COMMISSIONER UNDER RTI
DEPUTY COMMISSIONER (ACADEMIC)Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
08.08.2024

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1. The Petitioner, desirous of availing the benefit of the quota reserved for students recommended by a Member of Parliament for admissions in a Kendriya Vidyalaya, approached the concerned Minister of his ward but was informed that the said quota had been scrapped. Aggrieved by the same he filed a Right to Information¹ application on 25th August, 2022 with the Department of School Education and Literacy, which was transferred to the concerned Central Public Information Officer², Kendriya Vidyalaya Sangathan³. The Petitioner's RTI application sought the following information:

"1. Reasons and grounds for scrapping the MP quota in current session 2022-2023.

¹ "RTI"

² "CPIO"

³ "KVS"



2. *On whom (Minister/ council of minister/ cabinet or others) recommendations/ advise/ report such quota was scrapped. Please provide certified copy of that.*

3. *Whether any committee or other similar body has been constituted for such recommendation (scrapping the said quota). Provide the certified copy of the recommendation, if any.*

4. *What are the medium through which the publication/ notification of the scrapping of the said quota has been made. Provide the details of such publication/ notification/ public notice.”*

2. In response, on 06th /07th September, 2022, the CPIO informed the Petitioner that the information sought did not fall within the ambit of Section 2(f) of the Right to Information Act, 2005⁴. The CPIO clarified that admissions are conducted according to the Revised KVS Admission Guidelines for 2022-23, available on the KVS website. The Petitioner was also provided with a copy of the Office Memorandum dated 25th April, 2022, by which the special provision for admission under the MP quota was withdrawn.

3. Dissatisfied with the response, the Petitioner escalated the matter by filing a first appeal under the RTI Act, which was adjudicated on 7th October, 2022. The First Appellate Authority upheld the CPIO's decision. Persisting with his quest for information, the Petitioner lodged a second appeal with the Central Information Commissioner⁵, contesting the non-disclosure of requested information. The second appeal was rejected through the impugned decision dated 17th October, 2023, with the following observations:

“Relevant Facts emerging during Hearing:

The following were present: -

⁴ “RTI Act”

⁵ “CIC”



Appellant: Present

Respondent: Mr. Binod Kumar Behera, Deputy Commissioner.

The Appellant stated that the Respondent has not furnished the requisite information till date. He stated that the Respondent has wrongly denied the information on the ground that the queries raised in the instant RTI Application does not cover under Section 2(f) of the RTI Application. He requested to direct the PIO to furnish the information as sought.

The Respondent reiterated the content of their reply dated 07.09.2022. He stated that the queries raised by the Appellant in the instant RTI Application is clarificatory in nature. He averred that a copy of the OM dated 25.04.2022 whereby the special provision for admission under MP quota was withdrawn, has been duly furnished to the Appellant. Furthermore, the relevant website link for the revised KVS admission guidelines 2022-23 has been provided to the Appellant.

Decision:

Keeping in view the facts of the case and the submissions made during hearing, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent since only such information that is held and available with a public authority can be provided to the information seekers and giving reasons/interpretations, etc are beyond the scope of duty of the CPIO. Hence, no further intervention of the Commission is required in the instant matter.

The appeal is disposed of accordingly.”

4. The Petitioner contends that the impugned decision of the CIC is untenable in law, as they have failed to appreciate that the information sought by the Petitioner has not been provided. Counsel for the Petitioner submits that the information sought is regarding the reasons/grounds for scrapping the Minister Quote; on whose recommendation the same was done; whether there was any committee constituted for the same and if the same was published. It is the case of the Petitioner that this information squarely falls within the definition of Section 2(f) of the RTI Act and therefore CIC has erred in dismissing the Petitioner's application. Further,



the reasoning given by the CIC is urged to be entirely misconceived and erroneous.

5. The Court has carefully considered the aforementioned contentions but does not find merit in the same. The CIC has correctly concluded that the CPIO had furnished an appropriate response in accordance with the RTI Act. The mandate of the CPIO is confined to supplying information that is held and accessible within the public authority. The obligation does not extend to interpreting information or providing explanations that are not part of the official documents. Consequently, the Court concurs with the CIC's determination that the information sought by the Petitioner does not meet the criteria set forth under Section 2(f) of the RTI Act.

6. Further, it is noted that the relevant information available with the Respondents has already been provided to the Petitioner. The CPIO, in its decision dated 06th/07th September, 2022 informed the Petitioner that the relevant policy guidelines for admission in Kendriya Vidyalayas are already available on the website of the KVS and the special provision for admission under Member of Parliament quota has been withdrawn from the special provisions as per Office Memorandum dated 25th April, 2022. Therefore the CPIO has nothing more to offer.

7. In the above circumstances, in the opinion of the Court, the Petitioner's request for information stands complied with. Should the Petitioner maintain that the revocation of the quota is arbitrary or lacks reasonable basis, the appropriate course of action would be to pursue alternative legal remedies. In the opinion of the Court, the statutory mechanism under the RTI Act cannot be resorted to for settlement of such disputes.



8. In view of the above, the Court finds no merit in the present petition and the same is dismissed along with pending applications.

SANJEEV NARULA, J

AUGUST 8, 2024

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