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

+ **W.P.(C) 11535/2024 & CM APPL. 47828/2024**

ROHIT RATHEE

.....Petitioner

Through: Mr. Pramod Tripathi and Mr. Gulab Singh, Advocates.

versus

SECRETARY DSSSB & ANR.

.....Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.08.2024

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1. The present petition seeks direction to Respondents to provide a comprehensive reply to Petitioner's application dated 16th January, 2022 filed under the Right to Information Act, 2005.¹

2. The brief facts leading to filing of the present petition is as follows:

2.1. On 24th October, 2017, the Delhi Subordinate Service Selection Board² invited applications from candidates to fill vacancies of posts under Delhi Administration Subordinate Service cadre. Petitioner applied and qualified the examination under the 'sports quota' and was put on the first

¹ "RTI"

² "DSSSB"



waiting list. Despite his rank in the waiting list, the Petitioner was not selected. Since no document was required for applying under the sports quota, Petitioner filed an RTI application dated 16th January, 2022 before Respondent No. 2 seeking information for selection of candidates under the said quota. In response, Respondent No. 2 has, according to the Petitioner, provided partial and inaccurate information.

2.2. Being aggrieved by the said reply, Petitioner filed a first appeal before Respondent No. 1 and then a second appeal before the Central Information Commission.³ Eventually, Petitioner succeeded in the second appeal whereby the CIC, through order dated 06th December, 2022, directed CPIO, DSSSB as follows:

Decision:

Keeping in view the facts of the case and the submissions made by both the parties and after perusal of the documents available on record, the Commission directs the Respondent to provide an updated and concise revised reply to the Appellant, in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 21 days from the date of receipt of this order under the intimation to the commission.

The Appeal stands disposed of accordingly.”

2.3. Petitioner's grievance is that the said directions of CIC has not been complied with and no clear information has been provided to him. Hence, the present petition.

3. In the above background, counsel for the Petitioner submits that through communication dated 31st January, 2023, the CIC issued a letter to the Deputy Secretary/ APIO, DSSSB calling upon them to file their submissions failing which, an action would be taken under Section 20 of the RTI Act.

³ “CIC”



4. Counsel for Respondents contends that the information sought is third party information and cannot be disclosed as provided under Section 8(1) of the Act.
5. Court has noted the facts and contentions of the parties.
6. Considering the fact that a mechanism for non-compliance of orders has been provided under the RTI Act which the Petitioner has already invoked, the Court finds no ground to entertain the present petition for securing compliance of orders of CIC. The Petitioner is free to follow up with CIC for resolution of its complaint.
7. With the above directions, the present petition is disposed of, along with pending application(s).

SANJEEV NARULA, J

AUGUST 21, 2024
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