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

+ **W.P.(C) 17432/2024**

DEEPAK KUMAR

.....Petitioner

Through: Ms. Vrinda Bhandari, Advocate
(DHCLSC), Ms. Vanshita Gupta,
Advocate

versus

CENTRAL PUBLIC INFORMATION OFFICER & ANR.

.....Respondents

Through: Mr. Himanshu Pathak, SPC with Mr.
Bharat Singh, GP and Mr. Anand
Awasthi, Mr. Amit Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **18.12.2024**

CM APPL. 74160/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 17432/2024 & CM APPL. 74161/2024 (exemption to file lengthy list of dates)

4. The Petitioner filed an application under the Right to Information Act, 2005¹ on 21st February, 2022 seeking information from Central Public Information Officer, Central Industrial Security Force. When the information was denied, the Petitioner preferred an appeal to the First

¹ "the RTI Act"



Appellate Authority and then to the Central Information Commission.² The second appeal has been decided under the impugned order dated 22nd March, 2023. The translated copy filed by the Petitioner reads as follows:

*“Central Information Commission
Baba Gangnath Marg, Munirka
New Delhi – 110067*

Second Appeal No. CIC/CISFO/A/2022/618319

Shri Deepak Kumar ... Appellant

VERSUS

*Public Information Officer,
Office of the Central Industrial Security Force,
Ministry of Home Affairs, New Delhi ... Respondent
Through: Shri Surendra Sonkaria - Deputy
Commandant and
Shri Ram Prakash – Inspector*

Date of Hearing: 20.03.2003

Date of Decision: 22.03.2023

Chief Information Commissioner: Shri Y. K. Sinha

Relevant Facts Related to the Appeal:

Date of Filing of RTI Application: 21.02.2022

Date of Response by the Public Information Officer: 23.03.2022

Date of Filing First Appeal: 23.03.2022

Date of Order of the First Appellate Authority: 28.03.2022

Date of Receipt of Second Appeal / Complaint: 30.03.2022

Information Sought and Background of the Case:

The appellant, on 21.02.2022, filed an application under the Right to Information Act seeking information on the following 04 points:

“It is respectfully submitted that I am a candidate for the Constable (Min) Examination 2015 and allege irregularities, human rights violations, and corruption in the said examination. Therefore, the authority is obligated to provide me with the following information:

(1) Information regarding the passing marks and cut-off marks of the CISF-2015 H/C (Min) written examination.

(2) A copy of the merit list.

(3) Information regarding the marks obtained by roll number 1541067815 and a certified copy of the OMR sheet.

(4) Information regarding the marks obtained by all selected candidates.”

² “CIC”



The Public Information Officer / Deputy Inspector General, Central Industrial Security Force, New Delhi, via letter dated 23.03.2022, provided the following response:

"02. As intimated vide this Directorate letter No. (730) dated 25.02.2022 and of even No. (969) dated 15.03.2022, we regret that the information sought by you, cannot be provided under RTI Act 2005, as Section 24 read with second schedule of the Act exempts CISF from providing information except for the cases of corruption & human rights violation. The information sought by you does not fall precisely within the ambit of the two categories mentioned above."

Dissatisfied with the response received from the Central Public Information Officer, the appellant filed the First Appeal on 23.03.2022. The First Appellate Authority / Inspector General, Central Industrial Security Force, through its order dated 28.03.2022, stated as follows:

"02. As intimated vide letter of even No. (730) dated 25.02.2022, we regret that the information sought by you, cannot be provided under RTI Act 2005, as Section 24 read with second schedule of the Act exempts CISF from providing information except for the cases of corruption & human rights violation. The information sought by you does not fall precisely within the ambit of the two categories mentioned above."

Being aggrieved and dissatisfied, the appellant filed a second appeal before the Commission.

Facts that emerged during the hearing:

A written submission dated 01.03.2023 was received from the Central Public Information Officer, reiterating the aforementioned facts.

Both parties were duly notified regarding the matter, and a hearing was scheduled via video conference. Both parties participated in the hearing through video conferencing, and it was noted that similar queries had been raised earlier by the same appellant through an RTI application dated 16.10.2016, which had resulted in the filing of a second appeal bearing number CIC/CNISF/A/2017/314372. This appeal was duly adjudicated by the coordinated bench through its order dated 19.03.2018.

Decision:

In light of the fact that a previous second appeal [CIC/CNISF/A/2017/314372] filed by the same appellant on a similar subject matter was already adjudicated by the Commission through its order dated 19.03.2018, no fresh adjudication on the same matter is deemed necessary.

Since the original matter has already been duly decided once, undertaking a fresh adjudication on the same issue would be redundant and legally impermissible.

The appeal is accordingly disposed of.



Y. K. Sinha
Chief Information Commissioner”

5. As can be seen from the above, the decision for denial of the information as upheld by the CIC is that the CISF is exempted under Section 24 read with Second Schedule of the RTI Act from providing information except in cases of corruption and violation of human rights.

6. Ms. Vrinda Bhandari, counsel for the Petitioner, acknowledges the fact that the information sought by the Petitioner does not pertain to corruption or human rights violation, nonetheless, she argues that in similar circumstances, CIC has taken a different view and places reliance on the decision in ***Pankaj Kumar v. Central Public Information Officer, Directorate General of Sashastra Seema Bal.***³

7. However, in the opinion of the Court, since the Respondent organization is exempted under Section 24 read with Second Schedule of the RTI Act, the view taken by the CIC in the instant case is within the framework of the statute. Therefore, judicial intervention is not warranted.

8. In view of the foregoing, the Court finds no ground to interfere in the present matter and accordingly, the present petition, along with pending applications, is dismissed.

SANJEEV NARULA, J

DECEMBER 18, 2024/ab

³ 2017 SCC OnLine CIC 13159