



CWP-13216-2025(O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-13216-2025(O&M)
Date of Decision :21.07.2025

Ajay Kumar Sura

...Petitioner

Versus

The Central Information Commission
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Puneet Gupta, Advocate for respondent No.2 & 3.

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Harsimran Singh Sethi, J. (Oral)**CM-9162-CWP-2025**

As prayed for, application is allowed.

CM-9163-CWP-2025

As prayed for, application is allowed.

Written statement filed on behalf of respondents 2 & 3 along
with Annexure R-2/1 is taken on record.

CWP-13216-2005

1. In the present petition, challenge is to order dated 21.12.2023 (Annexure P/2) passed by the Central Public Information Officer by which, the information sought by the petitioner in respect of the candidates, who had participated in the selection process, for the post of Public Relation Officer, in which selection process the petitioner also participated, has been



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denied being a 3rd party information.

2. Learned counsel for the petitioner argues that once, the petitioner participated in the selection process for the said post, the marks obtained by the other candidates in the said selection process including the documents submitted by them and their eligibility should be disclosed to the petitioner. Reliance is being placed upon the judgement of the Hon'ble Supreme Court of India in *SLP (C) No.2783-2025 titled as Public Information Officer and Registrar and another vs. Onkar Dattatray Kalmankar and another decided on 07.02.2025.*

3. Learned counsel for the respondents submits that the petitioner participated in the selection process for the post of Public Relation Officer and challenged the selection of one candidate as well by way of filing CWP-2076 of 2017, which writ petition has already been dismissed by this Court vide order dated 31.08.2023 against which judgment, the petitioner has already filed appeal being LPA No.1765-2023 which is pending consideration before the Division Bench of this Court hence, in case the Division Bench feels that the record needs to be summoned to verify the details of the selected candidate to find out whether selection process was transparent, the Court has power to do the same, rather than the petitioner seeking the details of the selected candidates under Right to Information Act, 2005.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. As per the Right to Information Act, 2005, seeking 3rd party information is not permissible. In the present case, the petitioner is seeking

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the details from the respondent-University regarding the documents of the selected candidates such as verification report of experience certificate of selected candidates, letter of communication by University to organisation where the candidate has claimed to work etc.

6. It may be noticed that the petitioner has already exhausted one remedy wherein, he has not been successful with regard to the challenge against the selection process so as to prove the ineligibility of one selected candidate. The said remedy was sought to be achieved by way of filing writ petition, which writ petition after being dismissed has been taken further to the Appellate Court where the LPA filed by the petitioner is still pending. The petitioner has full right to convince the appellate Court prima facie that the selection process was not fair and the Court in case agrees, has full jurisdiction to summon the relevant record to find out whether the selection process was fair or not.

7. The judgment in **Onkar Dattatray Kalmankar (supra)** though, says that the information should be given to have transparency but once, the said issue is already pending consideration before the Division Bench of this Court especially when Single Bench has not agreed with the petitioner, the petitioner has full right to contend before the Division Bench of this Court to prima facie show that the selection process was not fair or transparent and the ineligible candidates have been selected wrongly in a bad manner, rather than availing two different remedies for same purpose.

8. As per the settled principle of law settled by the Hon'ble Supreme Court of India in **Civil Appeal No.22-2009 titled as Canara Bank vs. C.S. Shyam and another, decided on 31.08.2007,** any information



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sought of the individual employee working in the bank is personal in nature and cannot be disclosed. Reliance was placed upon the earlier judgment of the Hon'ble Supreme Court of India to record a categorical finding that the 3rd party information cannot be granted.

9. In the present case, though, 3rd party information is being sought for but as the petitioner is already before the Division bench of this Court seeking adjudication qua the same issue, the petitioner has all the right to convince the Division Bench of this Court to summon the record sought in order to verify whether the selection process was transparent or not.

10. Reliance is also being placed upon by the learned counsel for the petitioner to the judgment of the Supreme Court of India in **Civil Appeal No.2230-2012 titled as Central Information Commission vs. D.D.A. and another decided on 10.07.2024** to contend that the RTI Act should be interpreted purposely so as to take into account the broader objectives of the legislation.

11. In the present case, 3rd party information is being sought for but be that as it may, once the petitioner is already before the Division Bench of this Court on the same issue which is with regard to the challenge to the selection process, all objections can be raised before the Division Bench of this Court so as to convince the Court that the selection process was not transparent. Once, the petitioner has already availed the remedy, which is being brought into operation, availing another remedy for same purpose is not admissible.

12. Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed with liberty

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to convince the Division Bench in LPA No.1765-2023 to summon the record.

13. Civil miscellaneous application pending, if any is also disposed of.

July 21, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No