

**OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,  
MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI.**

**RTI APPEAL NO. – Appeal ID. No. 07/2019**

APPELLANT :- Mr. Dumgan Khabom Singpho  
 RESPONDENT :- REGISTRAR(JUDICIAL) --Cum-PIO, GAUHATI HIGH COURT  
 DATE OF APPEAL :- 20.06.2019  
 DATE OF HEARING :- 22/07/2019  
 DATE OF ORDER :- 31/07/2019

**Factual Background:-**

1. Being aggrieved by the response received from the Respondent in the Form 'B' or 'C' within thirty days of submission of Form 'A', appellant- Mr. Dumgan Khabom Singpho of Gauhati High Court, Itanagar Permanent Bench has preferred this appeal, which is docketed vide Regd. ID No. 09/19.

2. Before a discussion is directed towards the issues in question, a brief reference to the background of this appeal would be advantageous.

3. The appellant has filed an application before the REGISTRAR (JUDICIAL) – Cum-PIO, GAUHATI HIGH COURT, which was docketed vide ID No. **44/2019 dated 12/03/2019**, seeking below mentioned information related to an examination:-

**(i) Details of marks obtained by the candidates in written examination for the post of System Analyst for Itanagar Bench, held on 17<sup>th</sup> February, 2019 at Naharlagun, Arunachal Pradesh.**

4. Thereafter, the Id. PIO, furnished the reply vide his letter No. HC.XXXV-02/2019/79/RTI, dated 5<sup>th</sup> April, 2019 as under:-

*"The recruitment process for the post of System Analyst, Gauhati High Court, Itanagar Bench, held on 17/02/2019, is not yet completed, as such the information sought for by you could not be provided at this stage. The information will be provided to you as and when the same is available for furnishing."*

5. Thereafter, on 17<sup>th</sup> February, 2019 vide his letter No. HC.XXXV-02/2019/144/RTI, the learned PIO has furnished 2nd reply to the appellant as under:-

***"This is to inform you that the mark obtained by you in the written examination is 56" (copy of reply and final result notification enclosed)***

6. Being dissatisfied with the reply sent by the ld. PIO, the applicant has filed the present appeal with following prayers:-

***(i) To provide details of marks obtained by all the candidates in the written examination for the post of System Analyst for the Itanagar Bench held on 17<sup>th</sup> February, 2019 at venue Administrative Training Institute, Naharlagun, Arunachal Pradesh.***

**Submission:-**

7. The appellant has submitted written argument, wherein, he stated that pursuant to the Advertisement dated 08.02.2018, he applied for the post of System Analyst for Itanagar Permanent Bench, Gauhati High Court at Naharlagun and he participated in the selection process held on 17.02.2019, and thereafter, the result was declared on 08.03.2019, in which five (5) candidates became successful. But, the marks obtained by them had not been disclosed in the Notification No. H.C.XXXII-11/2017/175/R.Cell. In the said result, Roll No. 132 has not figured and, thereafter, practical examination for those candidates who have qualified was notified vide Notification No. H.C.XXXVII-11/2017/211/R.Cell. Being dissatisfied with the selection process, he filed an application on 11.03.2019 under RTI Act seeking details of marks obtained by the candidates in the written examination for the post of System Analyst for Itanagar Bench at Naharlagun held on 17<sup>th</sup> February, 2019. Thereafter, the Registrar (Judicial)-cum-PIO Gauhati High Court has replied, vide letter No. H.C.XXXV-02/2019/79/RTI, that ***"the recruitment process for the post of System Analyst, Gauhati High Court, Itanagar Bench, held on 17.02.2019, is not yet completed. As such, the information sought for by you could not be provided at this stage. The information will be provided to you as and when the same is available for furnishing"***. Thereafter, on completion of selection process, the recruitment cell has notified the names of the candidates selected for the post of System Analyst vide notification No. 124/19, bearing No. H.C.XXXVII-11/17/284/R.Cell. Then, after 35 days of publication of the selection process and

without furnishing the marks secured by all the candidates in the written examination of the said selection process he was informed that he secured 56 mark in the written examination vide letter dated 17.05.2019 bearing No. H.C.XXXV-02/2019/144/RTI, by the Registrar (Judicial)-cum-PIO, Gauhati High Court. Being aggrieved with the said reply, he filed the present appeal before this authority for furnishing complete information as sought for by him.

8. It is also stated that the object of the RTI is to ensure maximum disclosure of information with minimum exemptions. The disclosure of the information has been prevailing, as noticed in the recruitment process, conducted by the Gauhati High Court for better transparency in the greater interest of public. It is also stated that for details of marks obtained by the candidates in the written examination and viva-voce have been disclosed in the public domain in various recruitment process while recruiting the candidates for the post of Librarian of Judicial Academy Assam, Programmer for Judicial Academy Assam, and Judicial Assistant of Kohima Bench, LDA/LD Assistant/typist and computer Typist for districts of Nalbari, Jorhat and Library Assistant of the Principal Seat of Gauhati High Court. But, in the instant case, the said norms have not been followed and hence he prayed for transparency in the recruitment process may be followed by furnishing information as sought for by the applicant in his application dated 11.03.2019, as the same was not rejected by the PIO on the ground of Section 8(1)(j) of the RTI Act. It is also stated that disclosure of information which is collected by the public authority cannot be considered as an invasion of privacy of the individual and must be provided under RTI Act. Therefore, furnishing of the marks of written examination provided under Section 8(1)(j) of the RTI Act the disclosure of this cannot be considered as an invasion on the privacy of the individual. Therefore, the applicant prayed for maintaining the same norms as followed in the other recruitment processes held by the Gauhati High Court and prayed to direct the authority to furnish the marks obtained by the candidates in the written examination for the post of System Analyst for Intanagar Bench, held on 17.02.2019. The written argument is supplemented by oral argument, wherein the learned Advocate appearing for the appellant submitted that as per the norms of RTI Act, all the marks obtained by the candidates in the written examination held on 17.02.2019 may be furnished to the appellant.

9. On the other hand, the learned PIO-cum-Registrar (Judicial) has submitted that no public interest will be served on obtaining the marks of all candidates who

have appeared in the written examination for the post of System Analyst in Itanagar Bench, held on 17.02.2019 and furnishing such information will be an invasion of privacy of other candidates as stated in Section 8(1)(j) of the RTI Act, and therefore, the learned PIO has prayed for dismissing the appeal. The learned PIO has referred following three case laws to bolster his submission:

- i) **Mr. M Sriraman Vs. Department of Posts (CIC/AD/A/2009/000975)**
- ii) **Sri Kunwar Vikram Vs. SBI, Mumbai (CIC/DS/A/2012/000614/MP)**
- iii) **Shri Buddhiswar Naskar Vs. Central Public Information Officer, Syndicate Bank, Regional Office : 651, Anandapur, EM Bypass, Kolkata, W.B. 700107 (CIC/SH/C/2016/000093)**

**Decisions and reasons thereof:-**

10. Having heard the submissions of the learned Advocate for the appellant and also submissions of the learned PIO-cum-Registrar (Judicial), I have carefully gone through the appeal and documents enclosed therewith and the written submissions along with the documents enclosed therewith. I have also gone through the case laws referred by the PIO during hearing.

11. It appears that in his the reply dated 5<sup>th</sup> April, 2019, the learned PIO has stated that the recruitment process for the post of System Analyst held on 17.02.2019 is not completed and hence the information could not be furnished and the same will be furnished as and when available. In the second reply, the learned PIO has stated that this is to inform you that the marks obtained by you in the written examination is 56 vide his letter dated 17.5.2019. But, as requested by the appellant, the PIO-cum-Registrar (Judicial), Gauhati High Court did not furnish the detail of marks obtained by all the candidates in the written examination for the post of System Analyst for the Itanagar Bench held on 17<sup>th</sup> February, 2019, at Administrative Training Institute, Naharlagun. Now, the moot point to be decided is - ***whether the marks obtained by all the candidates can be furnished to the appellant as prayed for ?***

12. While declining to furnish the marks obtained by the other candidates in the written examination, the learned PIO has relied upon the Section 8(1)(j) of the RTI Act, which reads as follows :-

**"8(1) Notwithstanding anything contained in this act, there shall be no obligation to give any citizen-**

**(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information :**

**Provided that the information which cannot be denied to the parliament or a state legislature shall not be denied to any person."**


13. Here, in this case, the appellant failed to disclose, during hearing, involvement of any public interest in seeking the marks obtained by the other candidates in the written examination. The appellant has drawn our attention to the previous recruitment processes, where the marks obtained by all the candidates were uploaded in the website. But, previous instances cannot be a binding precedent upon the learned PIO, who is bound act within the framework of the RTI Act and while Section 8(1) (j) of the RTI Act put an embargo upon it. The appellant also could not show involvement of any larger public activity or interest for seeking marks obtained by the candidates. Though he stated that disclosure of information which is collected by the public authority cannot be considered as an invasion of privacy of the individual and must be provided under RTI Act, yet Section 8(1)(j) of RTI Act, and also case laws referred by the learned PIO speaks otherwise. The Central Information Commission in the case of **Mr. M Sriraman (supra)** opined that the information sought, pertains to personal information, the disclosure of which will cause unwarranted invasion on the privacy of the individuals concerned as it related to the failure of these candidates, the disclosure whereof would adversely affect the morale and self esteem of the unsuccessful candidates and accordingly denied the disclosure of information under Section 8(1)(j). It is to be mentioned here that in the said case the applicant has filed RTI application seeking information against two points including marks/ranks obtained by 960 candidates who appeared in PS Grade-D examination, held during February 2008. Again in the case of **Sri Kunwar Vikram (supra)**, the Central Information Commission has directed the CPIO to check and provide the copies of all the applicant's question booklet, corrected answer sheet, tabulation sheet (interview

board) including the remarks of the interview board (severing any third party information including names of the board members and signatures) subject to its availability. In **Shri Buddhiswar Naskar (supra)**, the Central Information Commission (New Delhi) directed the Central Public Information Officer, Syndicate Bank, to disclose only the list of mark obtained by successful candidates.

14. Thus, from the above discourse, it becomes clear that third party information cannot be furnished to the applicant while no larger public activity or interest is shown to have been involved. It also becomes clear that furnishing such third party information to the applicant may amounts to unwarranted invasion on the privacy of the individual concerned and which may adversely affect the morale and self esteem of the unsuccessful candidates as stated in Section 8(1)(j) of RTI Act.

15. Since here, in this case, the appellant has failed to show involvement of larger public interest justifying the disclosure of such information and since furnishing of such third party information to the applicant may amounts to unwarranted invasion on the privacy of the individual concerned and which may adversely affect the morale and self esteem of the unsuccessful candidates, I am of the view that the learned PIO has rightly denied the information to the appellant.

16. In the result, the appeal is found to be bereft of merit, and accordingly the same stands dismissed. Let this order be communicated to the appellant as well as the PIO, Gauhati High Court.

  
31-07-19  
**Registrar General**  
**-cum-**  
**Appellate Authority**