

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,
MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI
(Appellate Authority)

RTI Appeal Id No. 06/2023-24

Present : **Shri Sunil Kumar Poddar, AJS,**
Registrar General-cum-Appellate Authority,
under RTI Act.

Appellant : **Mr. Ranjan Singha,**
House No. 31, Satgaon, Milanpur,
Milijuli Path, Manipuri Colony, Ghy-71.

Respondent : **Registrar (Judicial) & PIO,**
Gauhati High Court.

Date of Appeal : **30.11.2023**
Date of hearing : **21.12.2023**
Date of Order : **05.01.2024**

ORDER

Mr. Dilip Kumar Bhuyan, Advocate was present for the appellant. Learned PIO-Cum-Judicial Registrar is also present during hearing.

The appellant being aggrieved due to alleged non furnishing of required information has preferred the instant appeal u/s 19(1) of the RTI Act 2005. The original queries are as under:-

- (a) *Kindly provide me complete information regarding the employment made under the category of OBC wherein age relaxation of three (3) years was provided to OBC candidates' w.e.f. 2016 to March 2018.*
- (b) *Kindly provide me the complete information of Govt. Rules and regulations, order, office memorandums etc. On the*


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basis of which the age relaxation of OBC candidates was allowed and notified in the advertisement dated 10.11.2016, 23.12.2016 and 29.03.2017.

In reply to the above queries, the PIO vide his letter dated 07.11.2023 has given reply to the Question No. a & b files as follows:-

- (1) *No recruitment had been made in the Gauhati High Court during the period of 2016 to March 2018, under the OBC category wherein age relaxation of three (3) years was provided.*
- (2) *The Govt. Of Assam O.M. No. ABP 06/2016/04 dated 03.03.2016 and Govt. Of India O.M. No. 43013/02/95-Estt (SCT) dated 25.01.1995 are followed in this regard.*

Being aggrieved the appellant has filed the appeal on the following grounds:-

- (a) *That, the PIO has failed to act within the time-frame as prescribed under RTI Act, 2005.*
- (b) *That, the PIO has furnished incorrect and false information in his official capacity and therefore deserves to be interfered with.*
- (c) *That, the action of the PIO in concealing the factual information that age relaxation of three (3) years was not provided to OBC candidates w.e.f. 2016 to March 2018 is completely false hence malafide.*
- (d) *That, although the Recruitment cell of Gauhati High Court vide Advertise no. HC. XXXVII-88/2013/1434/R.Cell dated 23^d May 2016, Advertisement no. HC. XXXVII-27/2015/1818/R.Cell dated 10th Nov. 2016, Advertisement no. HC. XXXVII-37/2016/1888/R.Cell dated 23/12/2016 etc. Had invited application for appointment of various posts under various establishment of Assam, the PIO in clever reply has denied the same wilfully and hence to be dealt with in accordance with law.*
- (e) *That, the PIO in paragraph 2(2) of its reply dated 07.10.2023, has mentioned two Office Memorandum against*

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the Q.(2) of the RTI application dated 29th Sept. 2023 which is clearly contradictory to the answer furnished in paragraph no. 2(1) of letter dated 07.10.2023.

During hearing, learned Advocate appearing for the appellant while reiterating the grounds taken in appeal memo have submitted that the information submitted are false and the reply given amounts to denial of furnishing the required information. During hearing on specific query as to the foundation of his allegations of providing false information; the appellant side could not furnish any documents to substantiate the allegations. On the other hand the learned PIO/Registrar Judicial, Gauhati High Court has submitted that the present appeal is not maintainable as the sought for information has been provided to the appellant.

It is also pointed out that the ground No. (c), as mentioned in the appeal memo has been misconstrued the reply regarding "no appointment" as non-providing of information and as such the appeal has no leg to stand.

I have considered the submission. So far the grounds of the appeal regarding delay in providing the information is concerned; it appears that, RTI application was received on 30.09.2023 and the reply was given on 07.11.2023. On this point the learned PIO has pointed out that as there was Puja vacation from 14th October, 2023 till 29th of October, 2023 and as such, there was delay of 7 days in giving the replies. This explanation was found satisfactory and accepted. Moreover, this point has not been raised during appeal hearing by the representation of the appellant.

So far query No. 1 is concerned, though some allegations has been brought that the answer given by PIO are false and incorrect, no document has been furnished by the appellant to

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substantiate the allegations. The query was "regarding employment made under OBC category" for the period of 2016 to 2018. In his reply, the PIO has given a categorical answer that "no recruitment has been made in the Gauhati High Court in the concerned period under the OBC category by giving 3 years relaxation." It may be mentioned here that RTI Act provides regarding giving information only. Whether the information provided is false or genuine, might be a subject matter to judicial scrutiny. In an appeal under RTI Act, this authority has no jurisdiction to verify as to the genuineness of the information provided.

The further ground taken that no information was provided to his question is not correct. The PIO has given the information with categorical words.

So far as the second query is concerned, which is regarding government rules and regulations and circulars; admittedly, the PIO has provided the relevant circulars vide Govt. of Assam O.M. No. ABP 06/2016/04 dated 03/03/2016 and Govt. Of India Circular No.43013/02/95-Estt (SCT) dated 25/01/1995 on the basis of which the recruitment notices were issued were provided to the appellant. So, that part of query was also duly answered by the learned PIO.

Considering above, I am of the opinion that the appellant has failed to make out any case for intervention in this appeal. Accordingly, the appeal stands rejected.

Furnish free copy of this order to the appellant as well as the PIO.



(Shri Sunil Kumar Poddar)

**Appellate Authority-Cum-
Registrar General, Gauhati High Court.**