

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,

MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI

(Appellate Authority)

RTI APPEAL NO.04/2022

APPELLANT :- Md. Mohammad Ali,
Vill – Adhiarpara, P.O – Saniadi,
P.S – Hajo, Kamrup – 781102.

RESPONDENT :- Registrar (Judicial) & PIO,
GAUHATI HIGH COURT

DATE OF APPEAL :- 29.10.2022
DATE OF HEARING :- 17.11.2022
DATE OF ORDER :- 29.11.2022

O R D E R

The instant RTI Appeal has been preferred under Section 19 (1) of the Right to Information Act, 2005 by the appellant Mohammad Ali being aggrieved with the reply given by the PIO-cum-Registrar Judicial, Gauhati High Court, Guwahati.

2. The brief facts leading to this appeal is that on 07.09.2022 the appellant Mohammad Ali had submitted one RTI application under Section 6 of the Act before the Public Information Officer (PIO), Gauhati High Court, Guwahati, seeking certain information regarding the process of appointment order issued vide Notification No.HC.V-27/2014 (Pt-I)/148 dated 08.03.2022. The appellant has prayed for the following information in respect of the process of appointment order that has been issued by the above referred order dated 08.03.2022 :-

"i) How many candidates were appointed on the strength of the aforesaid appointment order dtd. 8-3-2022?

ii) What were the statuses of the appointees of the order dtd. 8-3-2022 regarding their earlier appointments/ engagements, experiences and ages?

iii) Was there any comparative merit list/comparative statement with regard to the appointees of the order dtd. 8-3-2022? If yes, please provide the copy of the said comparative merit list/comparative statement."

3. In reply to the queries made by the appellant, the PIO on 29.09.2022 furnished his reply. In respect of Query No.(i) the PIO replied as *"There are 17 (seventeen) number of persons were appointed in the post of Grade IV in the Principal Seat of the Gauhati High Court vide order dated 08/03/2022."* In respect of Query Nos. (ii) & (iii), the PIO replied as *"The aforesaid 17 persons were earlier engaged against the sanctioned posts of Bungalow Peon and Fixed Pay Casual Employees of this Registry, since 2014. It may be also mentioned here that those employees were appointed taking into consideration their seniority as well as service record as per the consolidated list."*

4. The appellant being aggrieved with the reply furnished by the PIO preferred this appeal mainly on the ground that he has sought for information relating to the comparative merit list/comparative statement in respect of the appointments made vide order dated 08.03.2022. He has specifically stated that in his Query No.(iii) he has prayed for information/copy of the comparative merit list/ comparative statement in respect of the persons appointed vide order dated 08.03.2022.

5. I have personally heard the appellant as well as the PIO.

6. The appellant during the hearing has submitted that he is serving as a casual employee in the Industrial Tribunal, Guwahati and that he had come across the order dated 08.03.2022 issued by the Hon'ble Gauhati High Court giving appointment to 17 numbers of persons in the posts of Grade-IV in the Principal Seat of the Gauhati High Court who were earlier engaged as Bungalow Peons and Fixed

Pay Casual Employees. He has submitted that vide Query No.(iii) he has specifically prayed for comparative statement/ comparative merit list disclosing age, educational qualification, seniority of the appointees who were engaged as Grade-IV employees in the Principal Seat of the High Court. He has submitted that though a consolidated list of Bungalow Peons and Fixed Pay Casual Employees were furnished to him but the list do not reflect their comparative merit, such as age, educational qualification, seniority etc. as well as comparative statement among the candidates. He also submitted that the information he sought do not fall under the category of information which can be exempted from disclosure. Accordingly, the appellant has prayed to consider his prayer and furnish the necessary information as sought in his petition before the PIO.

7. In his reply the PIO has submitted that the appellant in his original application has not specifically prayed for any comparative statement reflecting age, educational qualification, seniority etc. of the persons who were appointed vide order dated 08.03.2022. The PIO accordingly has prayed to dismiss the appeal.

8. I have carefully gone through the memo of appeal, the grounds cited by the appellant, the relevant records as well as the relevant provisions under the RTI Act. On perusal of the RTI application it reflects that the appellant in Query No.(iii) has specifically prayed as under :-

"Was there any comparative merit list/comparative statement with regard to the appointees of the order dtd. 8-3-2022? If yes, please provide the copy of the said comparative merit list/comparative statement."

9. The application of the appellant praying for information clearly reflects that he has prayed to provide him a copy of the comparative merit list/comparative

statement in respect of the appointees under order dated 08.03.2022. While going through the reply/information furnished by the PIO on 29.09.2022 it appears that the PIO has furnished one consolidated list of Bungalow Peons and Fixed Pay Casual Employees in terms of their seniority from the date of initial engagement in the Principal Seat who were selected for appointment under order dated 08.03.2022. The consolidated list of Bungalow Peons and Fixed Pay Casual Employees as referred to above do not show any comparative statement/ comparative merit list amongst the selected appointees.

10. Now the question appears before this Appellate Authority as to whether the information sought by the appellant in any way falls under Section 8 of the RTI Act which deals with information exempted from disclosure or whether any of the information sought by the appellant falls under Section 11 of the RTI Act which relates to 3rd party information. I have carefully perused the above relevant provisions of the Act. The fact remains that 17 nos. of persons amongst Bungalow Peons and Fixed Pay Casual Employees were appointed vide order dated 08.03.2022 in the post of Grade-IV in the Principal Seat of the Gauhati High Court. The appointment of the above persons in Grade-IV of the Principal Seat and the process relating to their appointment in the posts of Grade-IV staff of the High Court do not relate to any 3rd party personal information. As such, Section 11 of the RTI Act is not attracted in the present case. The persons who were appointed vide order dated 08.03.2022 came through a recognized process and thereafter, appointed in Grade-IV posts in the Principal Seat of the High Court and their process of appointment are not exempted from disclosure as the process do not qualify any of the conditions as embodied in any of the sub-sections of Section 8 of the RTI Act, 2005.

11. In view of the above discussions, I am of the opinion that the appellant has merit in his appeal and the PIO has erred by not furnishing comparative merit-list/comparative statement of the appointees who were appointed vide order dated 08.03.2022.

As such, the appeal is allowed. The PIO is asked to furnish the comparative merit-list/comparative statement with regard to the appointees who were appointed vide order dated 08.03.2022 to the appellant within 15 days of receipt of copy of this order.

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

The appeal is disposed of accordingly.



**Appellate Authority –cum-
Registrar General, Gauhati High Court.**