

**SPEED POST /OUT TODAY/
MOST URGENT**

**GOVT. OF NCT OF DELHI
DIRECTORATE OF TRAINING & TECHNICAL EDUCATION
MUNI MAYA RAM MARG, PITAMPURA, NEW DELHI
(RTI BRANCH, DTTE)
(Ph. No. 27321014 , Email:- plohqtte.delhi@gov.in)**

NO.F.2 (16)/2006/RTI/TTE/ID No. **4672/1849-50**

Dated: **14.11.18**

To

Sh.Akhilesh Kumar Pandey
C/O Ravinder Kumar Pandey,
Village Hariya, Post Saidipur Hariya,
District Lakimpur Khiri, U.P.-262728.

Sub: Supply of information Under RTI Act-2005

Sir,

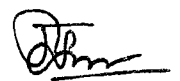
With reference to your application received on **17/ 10/2018** vide ID No. **4672** addressed to the undersigned regarding supply of information under Right to Information Act 2005. The replies/information in r/o DTTE (HQ) provided by Custodians of record whose help was taken u/s 5(4) of RTI Act 2005 is as under:-

Information Sought	Information provided as per available records in the branches
Information as per Point No. 1	As per result sheet of interview, candidate with ID No. PT-0010 and PT-1801 found "Not Qualified in Interview".
Information as per Point No.2	The list of selected/Not selected/waitlisted candidates for the post of part time Instructor on hourly basis in Govt ITIs /BTC for session 2018-19 was uploaded on the departmental website vide Notice dt 09/10/2018. Information pertaining to raw marks scored by candidates has no relationship to any public activity or interest as under Section 8(1)(j) of the RTI Act. In this regard, the applicant may refer to decision in case Rajasthan Public Service Commission V/s Ms Pooja Meena, AIR 2012 Raj 52 (Copy enclosed).

As per provisions of the RTI Act, 2005 u/s 19 (1), if you are not satisfied with the information, you may file an appeal to the Ist Appellate Authority. The address of First Appellate Authority is as under:-

**The First Appellate Authority,
Department of Training & Technical
Education, Room No.103, 1st Floor,
Pitampura, Delhi- 110034.**

Yours faithfully,


14/11/18

(JITENDER RATHI)
PIO (RTI) DTTE

Copy for information to:-

1. The System Analyst (Computer Branch), DTTE with the request for upload the same on the Departmental Website. (Copy of RTI application is also enclosed).

सेवा में

DN. 4672
17/10/18

जन सूचना अधिकारी

डिपार्टमेंट ट्रेनिंग AND टेक्निकल सुपरकेशन
मैतमपुरा दिल्ली - 88

विषय : [सूचना का अधिकार 2005 कानून के तहत आवेदन]।

1. पररास्त कर्ता :-

अखिलेश कुमार पाण्डेय

2. पता :-

अखिलेश कुमार पाण्डेय १/० रबींद्र कुमार पाण्डेय
ग्राम हरेन्द्रिया, पोस्ट खेदीपुर हरेन्द्रिया
जिला - लखीमपुर-खीरी- उ.प्र. - 262728

3. मांगी गई सूचना का विवरण :-

क. विषय साक्षात्कार परीक्षा ड्राफ्ट्समैन सिविल कन्ट्रैक्ट अनुदेशक
में सेलेक्शन न होने का कारण हेतु

ख. सूचना :- 15 दिन के अन्दर चाहे मै

ग. मेरा नाम दो बार NOT SELECTED लिखा होने का कारण जानने हेतु

SR No (8) PT 0010

SR No (9) PT 1801

अखिलेश कुमार पाण्डेय १/० रबींद्र कुमार पाण्डेय 02/10/18

घ. विवरण : मैंने सितम्बर 17 सन् 2018 को Contract Instructor
DAMAN CIVIL के पद के लिए साक्षात्कार दिया था जिसका
Ref No - PT 0010 है परन्तु हाल ही में आपसे रिजल्ट में
मेरा Selection नहीं सका है। तो मैं यह जानना चाहता हूँ कि
DAMAN CIVIL के सभी अभ्यर्थियों की मेरिट सूची साथ में
प्रदान करने के कृपया मेरे Selected तथा NOT Selected सभी अभ्यर्थियों
का विवरण प्रदान करें।

महोदय, मांगी गयी सूचना न तो गोपनीय है और न ही खुलासे से इस के
दायेर से आती है। अतः आपसे अपेक्षा की जाती है कि सभी सूचनाओं में
निश्चित समय उपलब्ध कराने का कष्ट करें। सूचना तथ्यात्मक व प्रामाणिक
होनी चाहिये। ताकि मैं आवश्यकता पड़े पर निरीक्षण भी कर सकूँ।
नियमानुसार शुल्क भेजा जा रहा है। अतः उपरोक्त पत्र पर सूचना
अतिशीघ्र भेज दी जायें। धन्यवाद

स्थान - लखीमपुर - खीरी

दिनांक - 12/10/2018

पररास्त कर्ता डेफ्टसाखा

...ers of interview Board. It was held that information cannot be furnished as it would violate confidentiality.²

Exemption from Discloser of Information

Right to privacy is a sacrosanct facet of article 21 of Constitution of India. The petitioner seeking information about sexual disorder etc., of a government officer is not in violation of perception of decency. Hence such information cannot be supplied.³

Information as to who were owners/partners of particular company. The information is factual in nature and cannot be treated as relating to trade secret or commercial confidence nor it was related to public interest or infringement of privacy. It was held that the information sought for does not come under purview of section 8(1)(d) and not exempted.⁴

The information related to commercial confidentiality cannot be disclosed if found to have no relation to any public authority or interest.⁵

Fiduciary Relationship: Discloser of Information

The accounts of respondent were statutorily audited. Its administration was subject to controls by Charity Commissioner, Bombay. Thus it was held that its action of filing income Tax Returns could not be viewed as fiduciary relationship. Hence information regarding assessment orders of trust is not exempted as was further held, under section 8(1)(e) of RTI Act, 2005.⁶

Exempted Information

Access to examination, identity of examiners etc., affect examination and evaluation process all over, cannot be shielded under any law or avowed principle of privacy.⁷

Prohibition on Discloser of Information

Information sought for regarding names of members of Interview Board cannot be disclosed as it would violate confidentiality.²

Yogendra Chandraker v. State Information Commission, AIR 2011 (NOC) 94 (Chh).

Jharkhand Public Service Commission, Ranchi v. State of Jharkhand, AIR 2011 Jhar 7: 2010 (96) All Ind Cas 385: 2011 (2) All MR 36 JS.

Paardarshita Public Welfare Foundation v. Union of India, AIR 2011 Del 82.

Bhupinder Singh Jassal v. State Information Commissioner, Punjab, AIR 2012 (NOC) 149 (P&H).

Hindustan Petroleum Corporation Ltd. v. Central Information Commission, New Delhi, AIR 2011 P&H 152: 2011 (102) All Ind Cas 13 SOC: 2011 (2) Punj LR 101; *Rajan Verma v. Union of India*, 2008 (1) PLR 253; *Reliance Industries Ltd. v. Gujarat State Information Commission*, AIR 2007 Guj 203: 2008 (1) ALJ (NOC) 40: 2008 (1) AIR Jhar (NOC) 43; *Gokalbhai Nanabhai Patel v. Chief Information Commissioner*, AIR 2008 Guj 2: 2008 (62) All Ind Cas 728: 2007 (3) Guj LH 352.

Rajendra Vasantlal Shah v. Central Information Commission, New Delhi, AIR 2011 Guj 70: 2011 (1) Guj LH 696.

Kerala Public Service Commission v. State Information Commission, Kerala, AIR 2011 Ker 135: 2011 (2) Ker LJ 404: 2011 (2) Ker LT 88; *Public Information Officer, University of Calicut v. State Information Commission*, (2010) 1 KHC 2; *Treasa Irish v. Central Public Information Officer*, (2010) 3 KLT 965; *S.N. College v. State of Kerala*, (2010) 1 KLT 691; *Thalappam Service Co-operative Bank Ltd v. Union of India*, (2009) 2 KLT 507: AIR 2009 (NOC) 2185; *West Bengal Council of Higher Secondary Education v. Ayan Das*, (2007) 8 SCC 242: AIR 2007 SC 5098; *Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission*, (2004) 6 SCC 714: AIR 2004 SC 4116: 2004 AIR SCW 4541; *Board of Secondary Education v. Pravas Ranjan Panda*, (2004) 13 SCC 383; *H.P. Public Service Commission v. Mukesh Thakur*, (2010) SCC 759: AIR 2010 SC 2621; *Sudhir v. State of Kerala*, (2010) NLT 113: 2010 Lab IC 401.

certified copies thereof.¹

Information Pertaining to Answersheets

The information pertaining to raw marks scored by candidates has no relation to any public activity or interest as under section 8(1)(j) of Act and would amount to unwarranted drain of resources of Rajasthan public service commission.²

Supply of Information by Concerned Authority

The concerned authority is bound in law to provide all information sought by any information seeker without the necessity of satisfying principle of *locus standi*.³

Supply of Information

The Co-operative Institutional Service Board directed to provide copy of list of selected candidates along with merit list of written examination and rules relating to selection process does not fall within purview of section 8(1)(d) of the Act as it does not relate to transaction of trade secret or intellectual property.⁴

Disclosure of Information: Immunity

The exemption of President and Governor against disclosure of information is restricted in respect of sovereign functions.⁵

Obligation to Supply Information

Information relating to raw marks scored by candidates has no relationship to any public activity or public interests under section 8(1)(i) of the Act.⁶

Official Secrets Act, 1923

The Official Secrets Act, 1923 imposes some restrictions on authorities to provide information to civilians or citizens. Section 2(2) of this Act provides that the expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, information itself, or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied the whole or any part of any sketch plan, model, article, note or document and expressions referring to disclosure or communication of any sketch, plan, model, article, note or document include the transmission of the sketch, plan, model article, note or document. The Act also defines the document as to mean any part of document and "model" includes design, pattern and specimen. Hence, the Right to Information Act, 2005 is derogative and conflict with the Official Secrets Act of 1923.

1. *Central Board of secondary Education v. Aditya Bandopadhyay*, (2011) II OLR (SC) 746: (2011) 8 SCC 497: 2011 AIR SCW 4888.
2. *Rajasthan Public Service Commission v. Ms. Pooja Meena*, AIR 2012 Raj 52; *Institute of Chartered Accountants of India v. Shaunak H. Satya*, (2011) 8 SCC 781: AIR 2011 SC 3336: 2011 AIR 1311: 2011 Pat LJ 4958.
3. *Saiyed Hussain Abbas Rizwi v. State Information Commission, Patna*, AIR 2011 Pat 103: 2011 Pat LJR 663.
4. *Uttar Pradesh Co-operative Institutional Service Board v. Anand Kumar Singh*, AIR 2012 (NOC) 273 (All).
5. *Public Information Officer v. Manohar Parrikar*, AIR 2012 Bom 71.
6. *Rajasthan Public Service Commission v. Ms. Pooja Meena*, AIR 2012 Raj 52; *Institute of Chartered Accountants of India v. Shaunak H. Satya*, AIR 2011 SC 3336: 2011 AIR SCW 4958: 2011 CLR 718; *Bhupinder Singh Jassal v. State Information Commissioner, Punjab*, AIR 2012 (NOC) 149 (P&H); *Poonam Rani v. State of Haryana*, (2012) 6 SCC 596.