

CENTRAL INFORMATION COMMISSION
ROOM NO. 329, SECOND FLOOR, C-WING
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066
Tel. No. 91-11-26717356

F.No. CIC/SS/A/2013/000838-YA

Date of hearing : 28.05.2014
Date of decision : 28.05.2014

Appellant : Shri G. Senthil Kumar,
Puducherry

Respondent : Dr. Raman, DoH
Directorate of Health & Family
Welfare Services, Puducherry.

Information Commissioner : **Shri Yashovardhan Azad**

Relevant fact emerging from appeal:

RTI application filed on : 03.08.2012
PIO Replied on : 05.09.2012
First appeal filed on : 27.09.2012
First Appellate Authority order : 26.10.2012
Second Appeal received on : 24.01.2013

Information sought:

The appellant had sought information on 6 points regarding recruitment for the post of Social Worker and Recruitment rules for the same.

Relevant facts emerging during hearing:

Both the parties are present. The appellant had filed RTI application 03.08.2012 seeking information recruitment for the post of Social Worker. The PIO in his reply stated provided a copy of Recruitment Rules (RR) but denied information on other points as the same is of interrogative manner and does not come under the Act. Aggrieved by this, appellant filed first appeal. The FAA in his order upheld the stand taken by PIO. The appellant stated that he has been denied information with mala fide intension. The respondent stated that the process of recruitment for this post was stopped for administrative reasons and the Directorate has not conducted further recruitment for this post till date. Meanwhile, the Government amalgamated the posts of Social Worker, Extension Educator and Health Educator, carrying on identical pay-scales with upgraded scale of pay. He apprised the Commission that a proposal for revision of recruitment rules for 'Social Worker' has already been sent to the

Government and that a reply is awaited. As soon as the RRs are amended, the Dept. will seek approval of the Government to fill up the vacancies subject to availability of funds and necessity of post. The appellant stated that he had applied for this post in 2007 and since then he has not got the job for the same post. He stated that he had filed the RTI application in question to know whether he will be considered for appointment as and when the revised RRs are implemented as he has already crossed the required age. The respondent in response stated that there is nothing in their hands as to what decision the Government will take in this regard, however, he assured that the appellant will be considered if the appellant fulfils the eligibility criteria under revised RRs.

Decision:

After hearing both the parties and on perusal of documents, the Commission observes that as deserving as the appellant might be for the post of Social Worker, he cannot ask interrogative questions from a public authority under the Act. The public authority is not bound to answer queries like whether he would be considered for the post since he has crossed the age limit or whether he will be granted any age relaxation and whether his merit will be considered or not. Interrogative queries viz. "How/Why/When" do not come under the ambit of RTI Act.

In **Dr.Celsa Pinto Vs. Goa State Information Commission** (W.P.No.419 of 2007), the High Court of Bombay, in its order dated 03.04.2008, held:-

“The definition (of information) cannot include within its fold answers to the question “why” which would be the same thing as asking the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.”

In view of the above, no obligation can be cast on the respondents to provide any further information to the appellant in the present case beyond what they have already given to him.

The appeal is disposed of accordingly.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(K.V.Mathew)

Deputy Registrar