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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 12th January, 2021

+ **W.P.(C) 7976/2020**

HAR KISHAN Petitioner

Through: Mr. Milind P. Singh, Advocate.
(M:9810187151)

versus

PRESIDENT SECRETARIATT THROUGH:
ITS SECRETARY & ANR. Respondents

Through: Mr. Anurag Ahluwalia, CGSC with
Mr. Abhigyan Siddhant and Mr.
Nitnem Singh Ghuman, Advocates
for R-1.

Mr. Gaurang Kanth, Standing
Counsel with Ms. Biji Rajesh and Mr.
Aman Singh Bakshi, Advocates for
CIC.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done by video conferencing.
2. The present petition has been filed challenging the impugned order dated 17th July, 2020, passed by Central Information Commission (*hereinafter*, "CIC") by which, the second appeal filed by the Petitioner bearing no. **CIC/ PRSEC/A/2018/168355-BJ**, against the response of the Presidential Secretariat dated 24th August 2018, to his RTI application, has been decided in the following terms:

“DECISION:

Keeping in view the facts of the case and the submissions made by both the parties and in the light of the judgment dated 23.09.2019 of Hon'ble High Court in the matter of Shri Har Kishan Vs.

President's Secretariat as also the allegations levelled by the Appellant regarding illegal appointments in the Respondent Public Authority, the Commission directs the FAA to exercise due diligence in responding to the issues raised by the Appellant on points 04 and 05 of the RTI application and furnish information in accordance with the provisions of the RTI Act, 2005 within a period of 30 days from the date of receipt of this order depending upon the condition for containment of the Corona Virus Pandemic in the Country or through email to the Appellant. The Appeal stands disposed accordingly.”

3. The brief background of this petition is that the Petitioner sought information on 6th August, 2018 under the Right to Information Act, 2005 (*hereinafter, “RTI Act”*), in respect of certain appointments made for Multi-Tasking Staff at the Presidential Estate, Rashtrapati Bhawan. The following was the information which was sought by the Petitioner, as per the said RTI application:

“1. Kindly provide copy of Notification Circular No.A-35011/7/16-Admn.

2. Kindly provide total no of candidates who filled the online application form of MTS (Multi Tasking Staff) examination, Notification Circular No.A-35011/7/16-Admn ,and also provide total no of candidates who appeared in this examination.

3. Kindly Provide all the name and address of Examination Centers in all over the India where respective MTS examination was held.

4. Kindly Provide the information regarding total no candidates as per every center separately who appeared in this examination.

5. Kindly provide complete name and address of

examination centers of all the candidates who have been selected for appointment to the post of Multi Tasking Staff, Notification Circular No.A-35011/7/16-Admn.

6. Kindly provide complete residential address and their father's name of all selected candidates who have been appointed to the post of Multi Tasking Staff, Notification Circular No.A-35011/7/16-Admn.”

4. The same was responded to by the Presidential Secretariat, vide letter dated 24th August 2018, in which the information *qua* item nos. 1 to 3 was provided. The response is set out hereinbelow:

“1. Enclosed.

2. Total number of candidates who filled the online application form was 18416 and total number of candidates who appeared in this examination was 11257.

3. List enclosed.

4-5. No such information is available.

6. It is a personal information and can't be provided u/s 8(1)(j) of the RTI Act, 2005. The disclosure of it has not relationship to any public activity or interest and it would cause unwarranted Invasion of the privacy of the individual.”

5. The Petitioner challenged the said response under the RTI Act by way of an appeal before the First Appellate Authority, on 5th September 2018, the response to which is not on record. Thereafter, a second appeal was preferred by the Petitioner before the CIC, which was disposed of by the CIC vide the impugned decision dated 17th July 2020, as extracted above.

6. The contention of Mr. Milind, ld. counsel appearing for the Petitioner, is that while the CIC has directed the Respondent to provide the information under item nos. 4 & 5 of his application, insofar as the rejection of

information under item no. 6 is concerned, no reasons have been given for rejection of the same by the CIC, in the impugned decision. He submits that the various judgments relied upon by the CIC in fact support the Petitioner's case, and the said information sought for under item no. 6 ought to have been provided by the Respondents.

7. Mr. Ahluwalia, ld. counsel appearing for the Respondent No.1, submits that the documents placed on record clearly show that the Respondent No. 1 has already complied with the orders passed by the CIC - by providing information in respect of item nos. 4 & 5. Insofar as item no. 6 is concerned, the information sought is extremely wide and, in fact invades the privacy of the persons who have been appointed as Multi-Tasking Staff, as names of the fathers of the respective candidates and residential addresses have been sought for by the Petitioner.

8. Heard ld. counsels for the parties and perused the record.

9. The Petitioner has heavily relied upon the order dated 23rd September, 2019 passed in *W.P.(C) 9714/2019*, titled *Har Kishan v. President Secretariat*, filed by the same Petitioner against the Respondent, wherein the following order has been passed by this court:

“ As recorded in the order dated 16.09.2019 passed by this Court, prayer of the petitioner has been confined only to prayer (b) made in the petition.

Prayer (b) in the petition reads as under:

“(b) Directing the Respondent no.1 No. to make an inquiry regarding the allegations made in the complaint dated 18.09.2017, by the petitioner”

Counsel for the respondent no.1 submits that

a Committee has been appointed to look into the complaint of the petitioner as also other complainants. He submits that as and when the report of the Committee is received, the same shall also be forwarded to the petitioner. He further submits that endeavour will be made to complete the investigation as early as possible.

In view of the submissions made, in my opinion, no further relief can be granted to the petitioner at this stage.

The petition is disposed of with no order as to costs.”

10. Investigation, in view of the above orders, is stated to have been completed in respect of 10 candidates, who were found to have obtained jobs on the basis of fake certificates, and their appointments have been terminated. The present petition is restricted to the challenge to the impugned order passed by the CIC in the second appeal, which relates only to the RTI application of the Petitioner. This Court, in this case, is thus not going into the said investigation report of the Committee.

11. On a query from the Petitioner, it is revealed that the Petitioner's daughter had also applied for an appointment as Multi-Tasking Staff, in the Presidential Estate, Rashtrapati Bhawan. However, this fact does not find any mention in the present writ petition. A perusal of the writ petition also shows that the Petitioner himself was earlier working in the Presidential Estate on an *ad-hoc* basis, from 2012-2017.

12. This Court is of the opinion that whenever information is sought under the RTI Act, disclosure of an interest in the information sought would be necessary to establish the *bonafides* of the applicant. Non-disclosure of the same could result in injustice to several other affected persons, whose

information is sought. The present writ petition is cleverly quiet about the fact that the Petitioner's daughter had applied for being considered for appointment for the post of Multi-Tasking Staff at the Rashtrapati Bhawan. The seeking of the above information, especially after the Petitioner's daughter did not obtain employment, clearly points to some ulterior motives.

13. Even otherwise, on merits, the information sought in respect of the names of the fathers and residential addresses of the candidates is completely invasive, and would be a roving and fishing enquiry. The said information which is sought is clearly protected under Section 8(1)(j) of the RTI Act which provides that any such information shall not be provided which constitutes personal information and is invasive of the privacy of individuals.

14. Considering the fact that the information in respect of item nos.1 to 5 of the RTI Application has already been provided to the Petitioner, this Court does not find any merit in the present writ petition, which challenges the rejection of information sought under item no.6.

15. For the act of the Petitioner having concealed the material facts including that his daughter had applied for appointment to the post of Multi-Tasking Staff, the petition is dismissed with costs of Rs.25,000/- to be paid to the "*High Court of Delhi (Middle Income Group) legal Aid Society*". The said costs shall be paid within two weeks.

16. The petition is dismissed in the above terms. List for reporting compliance of payment of costs on 22nd March, 2021.

PRATHIBA M. SINGH
JUDGE

JANUARY 12, 2021/dk/Ak