

PUNJAB STATE INFORMATION COMMISSION

**Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.**

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189



Sh. Jagwinder Singh Chumber,
S/o Sh. Hamir Singh, House No 845,
Basant Nagar, Street No 1, Khanna Khurd,
Ward No 23, Khanna, Distt Ludhiana-141401.

Appellant

Vs

Public Information Officer,
O/o Principal, A.S. College
for Women, Khanna,
Distt Ludhiana.

First Appellate Authority,
O/o Principal, A.S. College
for Women, Khanna,
Distt Ludhiana.

Dr. Chamkor Singh, Asstt. Professor, Hindi
Through Principal.
A.S. College for women, Khanna.

Dr. Pawan Kumar, Assistant Professors, Hindi (M788570282)
Through
Principal,
Hindu Kanya Maha Vidyalaya, Dhariwal.
Distt. Gurdaspur. Pin 143519

Respondents

**Appeal Case No. 5189/2022
(Video Conference Proceedings)**

Present: Sh. Jagwinder Singh, appellant

Sh. Ravinder Kumar(M 9814800970) on behalf of the respondents.

Dr. Chamkor Singh Assistant Professor, Hindi, Assistant Professor, Hindi .

Order

The RTI Application is dated 06.06.2022 vide which the appellant has sought the information regarding attested copies of certificates of educational qualifications of first two candidates namely Dr. Chamkor Singh, and Dr. Pawan Kumar during the recruitment for Assistant Professor, Hindi in A.S. College for Women, Khanna as enumerated in his RTI Application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 28.07.2022 and Second Appeal was filed in the Commission on 31.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that information has not been provided by the respondents. The appellant has sent an email to the Commission which is taken on record.

3. The representative of the respondents states that the appellant has sought certificates of educational qualification of Dr. Chamkor Singh, Asstt. Professor Hindi working in A.S. College

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Appeal Case No. 5189/2022

for women, Khanna and Dr. Pawan Kumar Assistant Professors, Hindi who is presently working in Hindu Kanya Maha Vidyalaya, Dhariwal. He further states that the appellant has sought personal information which cannot be provided.

4. After hearing the parties and going through the case file, it is noticed that the PIO has issued notices to the 3rd parties under section 11 of the RTI Act, 2005. Therefore, Dr. Chamkor Singh, Asstt. Professor Hindi in A.S. College for women, Khanna and Sh. Pawan Kumar Asstt. Professor, Hindi of Hindu Kanya Maha Vidyalaya, Dhariwal, Distt. Gurdaspur are hereby issued notice under Section 11 of the RTI Act, 2005 as to whether or not to disclose the information or record or part thereof to the appellant. Both the 3rd parties are directed to submit their response in writing before the next date of hearing else decision will be taken ex-parte, on merit. Copies of RTI application **are being sent** to the 3rd parties along with the order.

5. It is also appropriate to mention the decision dated 13.11.2019 of Hon'ble Supreme Court of India in Civil Appeal case no. 10044 of 2010 titled as Central Public information Officer, supreme Court Of India vs Subash Chandra Agarwal which is reproduced below :

"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive."

6. In view of the above, the appellant is directed to submit his larger public interest in seeking the personal information of the 3rd parties before the next date of hearing else decision will be taken ex-parte, on merit.

7. To come up on 13.03.2023 at 12.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Ludhiana/ Gurdaspur.

Dated 01.02.2023
@s

sd
(Suresh Arora)
Chief information Commissioner, Punjab