



Junaid ul Islam,
Reshipora Kakapora
Pulwama, Kashmir.

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NITSN/R/E/22/00015
RTI Application	Date: 27/02/2022
Reply to RTI by PIO	Date: 29/03/2022
RTI Appeal Application No.	NITSN/A/E/22/00006
RTI Appeal Application to FAA	Date: 04/04/2022

With regards to your RTI Appeal dated 04/04/2022 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the PIO of this Institute and as such, upholds the stand taken by the PIO as correct.

Decision:

The appellant has alleged that PIO has refused access to information requested in the RTI Application. As such, after perusing the records, it was noted that the PIO in its reply dated 29/03/2022 has duly enclosed the documents pertaining to information sought under Point Nos.2, 3 & 4 (of afore-mentioned RTI application).

Further, for Point No.1, PIO has been cited that that Interrogative queries do not fall under the ambit of information as defined u/s 2 (f) of the RTI Act, 2005 and as also ruled upon by various Hon'ble Courts in the RTI related matters

In view if the above; it is pertinent to note that *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."*



NIT/RTI/2022/

Dated: 09/03/2022

Accordingly, upon perusing the details & the nature of the information sought in the RTI Application, this appellate authority is satisfied with the reply furnished by the PIO.

The appeal is disposed of accordingly.

Prof. (Dr) Shamim Ahmad Lone
Dean Faculty Welfare & FAA



NIT/RTI/2022/80

Dated: 29/06/2022

Prithish Poswal,
B304, Old Boys Hostel,
IIIT Delhi, New Delhi,
Pin: 110020

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NTTSN/R/E/22/00031
RTI Application	Date: 07/06/2022
Reply to RTI by PIO	Date: 20/06/2022.
RTI Appeal Application No.	NITSN/A/E/22/00007
RTI Appeal Application to FAA	Date: 22/06/2022

With regards to your RTI Appeal dated 22/06/2022 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the PIO of this Institute and as such, upholds the following;

Decision:


The appellant has alleged that PIO has Provided Incomplete, Misleading or False Information sought in the RTI Application. As such, after perusing the records, it was noted that the PIO in its reply dated 22/06/2021 has duly provided the information available on record.

The appellant is aggrieved that part of information pertaining to Point Nos. 2,3,4,5 & 6 are incomplete. However, upon perusing the details & the nature of the information sought in the RTI Application, such specific information is not maintained by this authority in the format as desired by the applicant and compilation of the information sought would result in disproportionate diversion of their resources. (Section 7 (9), RTI Act 2005)

In view of the above; it is pertinent to note that *As per the provisions of RTI Act 2005, the CPIO or any Public Authority is not supposed to create information. CPIO or any Public Authority will only provide the information sought by the applicant in the form it is available with him/her. Moreover, the compilation of such data from the available records would cause disproportionate diversion of resources of this office.*

Accordingly, this appellate authority is satisfied with the reply furnished by the PIO.

The appeal is disposed of accordingly.


Prof. (Dr) Shamim Ahmad Lone
Dean Faculty Welfare & FAA



Balabhadra Malik
AT-Balichaunira PO-Inchudi, Via-Rasalpur,
Dist-Baleshwar, State-Odisha ,Pin:756021

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NITSN/R/E/22/00029
RTI Application	Date: 27/05/2022
Reply to RTI by PIO	Date: 20/06/2022.
RTI Appeal Application No.	NITSN/A/E/22/00008
RTI Appeal Application to FAA	Date: 22/06/2022


With regards to your RTI Appeal dated 22/06/2022 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the PIO of this Institute and as such, upholds the following;

Decision:

The appellant has alleged that PIO has Provided Incomplete, Misleading or False Information sought in the RTI Application. As such, after perusing the records, it was noted that the PIO in its reply dated 22/06/2021 has duly provided the information available on record.

However, upon perusing the details & the nature of the information sought in the RTI Application, please find the relevant information enclosed herewith at Annexure A.

The appeal is disposed of accordingly.


Prof. (Dr) Shamim Ahmad Lone
Dean Faculty Welfare & FAA

Session
2018 - 2019 -

1. → 290680 -

290680 -

2. → 290680 -

290680 -

3. → 90,000 -

90,000 -

4. → 3,60,600/-

3,60,600/-

5. → 264554/-

264554/-

6. → 256912/-

256912/-

7. → 255945/-

255945/-

8. → 254009/-

254009/-

9. → 377080/-

377080/-

10. → 27,55,940/-

27,55,940/-

10/10/18

June 2018 - 2019

- ① → 407200 -
- ② → 487200 -
- ③ → 143567 -
- ④ → 423130 -
- ⑤ → 423130 -
- ⑥ → 421930 -
- ⑦ → 251720 -
- ⑧ → 251720 -
- ⑨ → 251720 -
- ⑩ → 251720 -
- ⑪ → 251720 -
- ⑫ → 131080 -
- ⑬ → 118000 -
- ⑭ → 133400 -
- ⑮ → 124120 -

Jessie
19-20

~~⑯~~ → 136880 -

Jack 4151357 -

NIT/RTI/2022/108

Dated: 27/10/2022

Adnan Qayoum,
Professor,
Mechanical Engineering Department,
National Institute of Technology Srinagar
190006

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NITSN/R/E/22/00039
RTI Application	Date: 19/08/2022
Reply to RTI by PIO	Date: 13/09/2022.
RTI Appeal Application No.	NITSN/A/E/22/00009
RTI Appeal Application to FAA	Date: 16/10/2022

With regards to your RTI Appeal dated 16/10/2022 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the PIO of this Institute and as such, upholds the stand taken by the PIO as correct.

Decision:

The appellant has alleged that PIO has Provided Incomplete, Misleading or False Information against the RTI Application. As such, after perusing the records, it was noted that the PIO in its reply dated 13/09/2022 has duly provided the information sought against the Point Nos. i & iv of the RTI Application.

Further, for Point Nos. ii & iii, the PIO has cited that the desired information falls in the category of Third-Party information and is exempted from disclosure as per Section 8(1) (j) of the RTI Act, 2005.

In view of the above; it is pertinent to note that in the judgment of the Hon'ble Supreme Court of India in Girish Ramchandra Deshpande vs. Central Information Commission & ors. SLP(C) No. 27734 of 2012 dated 03/10/2012 wherein it was held as under:

"13.....The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of

Handwritten signature and date: 27/10/2022



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Dated: 27/10/2022

such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."

Furthermore, as per order passed by the Commission in File No CIC/CC/A/2014/002971/SB dated 28.12.2015 in which following observation was made:


"The Commission observes that the information sought vide point nos. 2 and 5 of the RTI application relates to marks obtained by other candidates in the written examination. Thus, the information sought is 'personal information' related to a third party, the disclosure of which has no relationship to any public activity or interest. Hence, the disclosure of such information is exempted under Section 8(1)(j) of the RTI Act."

This was reiterated in the matter of Siddharth Kumar Nim VS CPIO/ Jt. Director (Law) Competition Commission of India Decision no.: CIC/CPCOI/A/2018/137114/02218 File no.: CIC/CPCOI/A/2018/137114 dated 27/09/2019

'Having heard the submissions of both the parties, it is noted that the issue for consideration is whether the marks of other candidates can be disclosed to the appellant. The main contention of the appellant is that lot of organizations are sharing their results on their websites and it may be followed by the respondent organization as well. During the hearing, the CPIO among other submissions submitted that it is their internal policy not to upload the marks of any exam on their website and in the past also no such practice was followed by them particularly for the exam in question. It is also not incumbent upon them to disclose the marks as is done in other organizations.'

Accordingly, upon perusing the details & the nature of the information sought in the RTI Application, this appellate authority is satisfied with the reply furnished by the PIO.

The appeal is disposed of accordingly.


27/10/2022
Prof. (Dr) Shamim Ahmad Lone
Dean Faculty Welfare & FAA

Inayat Abbas Malla,
Hassanabad Rainawari,
Saidakadal, Srinagar
Kashmir, Near Imambara.

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NITSN/R/E/22/00049
RTI Application	Date: 20/10/2022
Reply to RTI by PIO	Date: 04/11/2022.
RTI Appeal Application No.	NITSN/A/E/22/00010
RTI Appeal Application to FAA	Date: 16/11/2022

With regards to your RTI Appeal dated 16/11/2022 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the PIO of this Institute and as such, upholds the stand taken by the PIO as correct.

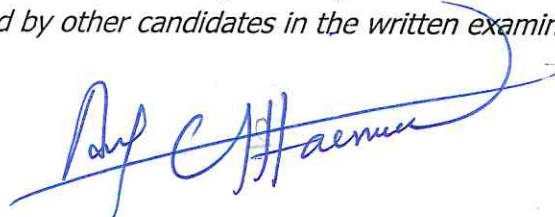
Decision:

The appellant has alleged that PIO has provided incomplete, misleading or false information in response to the RTI Application. As such, after perusing the records, it was noted that the PIO in its reply dated 04/11/2022 (uploaded onto the RTI Portal on 16/11/2022) has noted that part of information sought towards Point No.1 (of afore-mentioned RTI application) pertaining to the marks scored by each candidate is exempted from disclosure citing *Section 8(1)(j) of the RTI Act*.

However, the appellant in his appeal has pleaded that such information is sought in Public Interest based on the premise that the Marks for exam sought was competitive in nature & not an academic exam.

In view if the above; it is pertinent to note that as per order passed by the Central Information Commission in File No CIC/CC/A/2014/002971/SB dated 28.12.2015 in which following observation was made:

"The Commission observes that the information sought vide point nos. 2 and 5 of the RTI application relates to marks obtained by other candidates in the written examination. Thus,



the information sought is 'personal information' related to a third party, the disclosure of which has no relationship to any public activity or interest. Hence, the disclosure of such information is exempted under Section 8(1)(j) of the RTI Act."

This was reiterated in the matter of Siddharth Kumar Nim VS CPIO/ Jt. Director (Law) Competition Commission of India Decision no.: CIC/CPCOI/A/2018/137114/02218 File no.: CIC/CPCOI/A/2018/137114 dated 27/09/2019


'Having heard the submissions of both the parties, it is noted that the issue for consideration is whether the marks of other candidates can be disclosed to the appellant. The main contention of the appellant is that lot of organizations are sharing their results on their websites and it may be followed by the respondent organization as well. During the hearing, the CPIO among other submissions submitted that it is their internal policy not to upload the marks of any exam on their website and in the past also no such practice was followed by them particularly for the exam in question. It is also not incumbent upon them to disclose the marks as is done in other organizations.'

Further, for Point No.2, it has been cited that seeking of explanations & reasons do not fall under the ambit of information as defined u/s 2 (f) of the RTI Act, 2005.

In view the nature of the information sought under Point No. 2; it is pertinent to note that *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."*

Moreover, the DoP&T following the observation of Honourable Supreme Court on Right to Information Act, 2005 in Civil Appeal no.6454 of 2011, arising out of SLP (C) No.7526/2009 in the case of Central Board of Secondary Education and Anr.Vs. Aditya Bandopadhyay and Ors.; issued an OM Vide No. 1/18/2011-IR dated 16/09/2011, where in it clarified that;

'...The reference to 'opinion' or 'advice' in the definition of 'information' is section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public Authorities have, as a public relation exercise, provide advice, guidance and opinion to the





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Dated: 30/11/2022

citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.'

Accordingly, upon perusing the details & the nature of the information sought in the RTI Application, this appellate authority is satisfied with the reply furnished by the PIO.

The appeal is disposed of accordingly.


**First Appellate Authority &
Dean Faculty Welfare**

RTI APPEAL DETAILS

RTI Appeal Registration No. :	NITSN/A/E/22/00010	RTI Appeal Received Date :	16/11/2022	
RTI Request Registration No. :	NITSN/R/E/22/00049	RTI Request Registration Date :	20/10/2022	
Name :	INAYAT ABBAS MALLA	Gender :	Male	
Address :	HASSANABAD RAINAWARI SAIDAKADAL SRINAGAR KASHMIRNEAR IMAMBARA			
Pin Code :	190003			
State :	Jammu And Kashmir	Country :	India	
Phone :	Details not provided		Mobile No :	+91-9906677219
Email :	inayat1472@gmail.com			
Status :	Urban	Educational Status :	Above Graduate	
Citizenship :	Indian	Is Appellant below poverty line ? :	No	
CPIO of Public Authority Approached :	12386	CPIO's Order/Decision Date :	Details not provided	
CPIO's Order/Decision No. :	Details not provided			
Ground For Appeal :	Provided Incomplete,Misleading or False Information			
Text of RTI First Appeal :	<p>The The First Appellate Authority National Institute of Technology Srinagar October 16, 2022 Sub: An appeal under Section 19 of the RTI Act,2005. Ref: My application for information under RTI Act, 2005, dated October 20, 2022, addressed to the concerned PIO. Sir After receiving your reply to the RTI application I filed, I was disheartened that you have not revealed any information citing section 8(1) (j) of the RTI Act, 2005. Still, I am directed to remind you that the information sought by me, which is "Marks scored by each candidate and the merit list," definitely has "relationship to" the "public activity or interest" as it is a COMPETITIVE EXAM, not an academic exam for Grades, thus does not "cause unwarranted invasion of the privacy of the individual." Moreover, in Point No. 2 of my RTI application, I have sought an explanation for not acting on the previous applications I have submitted at the Dean's office or any other concerned office since August 28, 2022, whether in person or as an email thus falls within the ambit of "opinions, advices, reports," etc. Nevertheless, I hereby submit an appeal application with the following details: Kindly furnish me with the information already stated in the RTI application under points 1 and 2. The progress report of the disposition of the case concerning the error in the answer key of the written examinations held on August 23, 2022, for the Ph.D. fellowship for the subject of Structural engineering that I have been asking for since September 29, 2022, and the corrective measures taken thereof. The reasons for the delay in addressing my query when the fall academic session has already started. What corrective measures have been taken till now to revise the selection process based on an answer key having almost 14 percent error and a question paper having at least 3 percent error? The response of the expert committee that was supposed to verify my claim of the wrong answers that exist in the Answer Key and the wrongly framed questions, viz. Q4, Q34, Q36. Yours sincerely Inayat Abbas Malla</p>			

NIT/RTI/2022/124

Dated: 30/11/2022

Gh Jeelani Raja,
Baghati Shor, Lal Bazar,
Srinagar, Jammu and Kashmir,
Pin:190023

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NITSN/R/T/22/00004
RTI Application	Date: 14/09/2022
Additional Fee Request by PIO	Date: 13/10/2022.
Information Provided to RTI by PIO	Date: 02/11/2022.
RTI Appeal Application No.	NITSN/A/E/22/00011
RTI Appeal Application to FAA	Date: 18/11/2022

With regards to your RTI Appeal dated 18/11/2022 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the CPIO/PIO of this Institute and as such, upholds the following;

Decision:

The appellant has alleged that Public Authority has provided incomplete, misleading or false information against the RTI Application. Further, the Appellant has pointed out that he was made to pay charges for 116 pages, while the information provided is only 108 pages & out of which only about 30 pages are relevant. However, it is clarified that the Additional Fee collected under RTI act towards the cost of providing the information may include postal charge involved in supply of information that exceeds fifty rupees in terms of the RTI Rules 2012.

Now, on perusing the grounds raised in appeal and the relevant records pertaining to the RTI application, it was noted that the CPIO in its reply dated 02/11/2022 has duly provided the information sought & admissible under RTI Act, 2005 against the disputed Point Nos.1, 2, 3 & 5 of the RTI Application.

Moreover, for information sought in the aforementioned RTI Application under Point No. 2 where the appellant has alleged that Year-wise Seats Matrix was not provided, the Concerned PIO submits that for the year 2020, no advertisement has been issued by the Institute for Ph.D Programme and for the year 2022 admission was under process at the time of drafting the response to the RTI Application.

For information provided towards Point No.3, the appellant has alleged no information was provided, however, upon perusing the records, this authority notes that the desired information pertaining to years 2019 & 2022 has been provided to the appellant sans the qualifications & reasons thereof. The PIO has clarified the information sought for the remaining years is not maintained by this authority in the format as desired by the applicant and compilation of the information sought would result in disproportionate diversion of their resources citing Section 7 (9), RTI Act 2005). The PIO also took the stand that seeking of reasons does not fall under the ambit of information as defined u/s 2 (f) of the RTI Act, 2005.


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Dated: 30/11/2022

In view of this; it is pertinent to note that the Hon'ble Supreme Court in decision dated 09/08/2011 in the matter of CBSE & Anr. Vs. Aditya Bandopadhyay & Ors. (C.A. No. 6454 of 2011) held:

"35..... But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant.... 67..... The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing information furnishing, at the cost of their normal and regular duties"

The matter has been further clarified by the Division Bench of Hon'ble Delhi High Court in its decision dated 07/01/2016 [LPA 24/2015 & CM No. 965/2015 The Registrar of Supreme Court of India vs Commodore Lokesh K Batra & Ors.] holding as under:

"15. On a combined reading of Section 4(1)(a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, "right to information" under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant."

Moreso, 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."

Thereon, for information provided towards Point No.4, the appellant has alleged no information was provided, however the concerned PIO adds that the list of eligible candidates for the Ph.D Programme in Chemical Engineering Department is prepared by the DAC (Department Admission Committee) as per the norms of Ph.D Rules. A copy of such rules has already been appended with its reply dated 02/11/2022.

For information provided towards Point No.5, the appellant has alleged that only partial information was provided. The concerned PIO however notes that all the information available on its record & admissible as per the provisions of RTI Act 2005 has been furnished in its reply. The PIO has further pointed out that information pertaining to marks/qualifications fall in the category of Third-Party information and is exempted from disclosure as per Section 8(1) (j) of the RTI Act, 2005.

Here, it is pertinent to note that as per order passed by the Central Information Commission in File No CIC/CC/A/2014/002971/SB dated 28.12.2015 in which following observation was made:



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Dated: 30/11/2022

"The Commission observes that the information sought vide point nos. 2 and 5 of the RTI application relates to marks obtained by other candidates in the written examination. Thus, the information sought is 'personal information' related to a third party, the disclosure of which has no relationship to any public activity or interest. Hence, the disclosure of such information is exempted under Section 8(1)(j) of the RTI Act."

This was reiterated in the matter of Siddharth Kumar Nim VS CPIO/ Jt. Director (Law) Competition Commission of India Decision no.: CIC/CPCOI/A/2018/137114/02218 File no.: CIC/CPCOI/A/2018/137114 dated 27/09/2019

'Having heard the submissions of both the parties, it is noted that the issue for consideration is whether the marks of other candidates can be disclosed to the appellant. The main contention of the appellant is that lot of organizations are sharing their results on their websites and it may be followed by the respondent organization as well. During the hearing, the CPIO among other submissions submitted that it is their internal policy not to upload the marks of any exam on their website and in the past also no such practice was followed by them particularly for the exam in question. It is also not incumbent upon them to disclose the marks as is done in other organizations.'

For information sought at Point No. 6; the PIO has informed the information sought is not maintained by this public authority.

Lastly, for Point No.7, The PIO has clarified that it has appended the entire document containing the NIT Srinagar Rules & Regulations of Ph.D programme.

Accordingly, upon perusing the details & the nature of the information sought in the RTI Application, this appellate authority is satisfied with the reply furnished by the CPIO.

The appeal is disposed of accordingly.

**First Appellate Authority &
Dean Faculty Welfare**



Dr. Raja Singh
E 205/206, GF, Amar Colony,
Lajpat Nagar 4, New Delhi,
Pin: 110024

Subject: Appeal under Right to Information Act, 2005.

RTI Application No.	NITSN/R/E/22/00056
RTI Application	Date: 04/12/2022
Reply to RTI by PIO	Date: 27/12/2022
RTI Appeal Application No.	NITSN/A/E/23/00001
RTI Appeal Application to FAA	Date: 11/01/2023

With regards to your RTI Appeal dated 11/01/2023 made in reference to the aforementioned RTI application; please note, the undersigned has pursued the contents of your RTI application & subsequent appeal along with the relevant communication undertaken by the PIO of this Institute and as such, upholds the following.

Decision:

The appellant has requested that PIO should provide Point wise reply to Point Nos. 1, 2 & 3 of the Original RTI Application. As such, after perusing the records, it was noted that the PIO in its reply dated 27/12/2022 has duly provided the information sought against the aforementioned RTI Application. However, on request of the Appellant the PIO has submitted the desired reply, duly reproduced as under.

- For point No. 1, please note that 30 No-Smoking boards are installed at various conspicuous locations around the Campus in compliance to the Prohibition of Sale of Cigarettes and other Tobacco Products around Educational Institutions Rules, 2004. The photos of some locations are enclosed herewith.
- For point No. 2, please note that this Institute has only one functional main entrance as such a No-Smoking board is duly installed at the Main gate.
- For point No. 3, please note that the information sought is not maintained by this Public authority.

The appeal is disposed of accordingly.


10.02.2023
Dean Faculty Welfare & FAA

