



2024:DHC:6013-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment reserved on: 08.08.2024
Judgment delivered on: 13.08.2024

+ LPA 764/2024, C.M. APPL. 45314/2024

KAMAL BHASIN Appellant

versus

CENTRAL PUBLIC INFORMATION OFFICE
& ANR

..... Respondents

Advocates who appeared in this case:

For the Appellant : Appellant in person.

For the Respondents : None.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J.

1. Present appeal has been preferred under Clause X of the Letters Patent Act, 1866 seeking setting aside of the impugned judgment dated 3rd May, 2024 whereby the learned Single Judge had dismissed the writ petition being W.P.(C) 2210/2020 titled "*Kamal Bhasin vs. Central Public Information Office & Anr.*" filed by the appellant.

2. The case of the appellant is that an application was filed under the Right to Information Act, 2005 (hereinafter referred to as the "*RTI Act*") on 24th June, 2014 with the Public Information Officer of the Power Finance Corporation Limited stating that the Corporation has witnessed manifold increase in the strength of its manpower over the last five years



which was attributed to its massive recruitment of Executives at the induction levels and the following information was sought:-

“(i) Certified Copy of the Recruitment Policy on the executives

(ii) Certified Copy of the Manpower Requirement Budget for executives

(iii) A total number of executives at the induction level have been recruited during the last 5 years (i.e. from the year 2010 to 2015) with detailing their Name, Qualifications, Name of the Passing Institute/university and their present posting in the Corporation.”

3. *Vide* its reply dated 10th July, 2015, the CPIO, Power Finance Corporation Limited had provided the information as sought in points (i) and (ii) of the RTI application of the appellant. It is stated that with regard to point (iii), some information was provided with respect to names and present postings as well as present designations of the Executives, alongwith a comment which said *“Compiling individual Corporation qualifications and the names of passing Institute/University from the different individual files of candidates would disproportionately divert the resources of PFC, therefore information is exempted from being provided under Section 7(9) of the RTI Act, 2005.”*

4. Being aggrieved, the appellant filed an appeal under the RTI Act, which was dismissed by the Appellate Authority *vide* order dated 28th August, 2015. Thereafter, the appellant filed the second appeal before the Central Information Commissioner (hereinafter referred to as *“the CIC”*). The same was disposed of *vide* order dated 22nd June, 2017 holding that the information as sought by the appellant pertaining to the names of the Universities/Colleges from which the Executives had passed out relates to personal information of third parties, the disclosure



of which would not serve any larger public interest, hence is exempted under Section 8(1)(j) of the RTI Act, 2005. However, the Commission passed directions to provide the information to the appellant relating to educational qualification of the Executives who had been recruited at the induction level from the year 2010 to 2015 as well as the certified copy of the Manpower Requirement Budget for the Executives as approved by the Competent Authority.

5. Though the aforesaid directions were complied with, however, not being satisfied, another appeal was filed by the appellant against the purported non-compliance of the order dated 22nd June, 2017. This appeal was rejected by the CIC *vide* order dated 1st November, 2019 on the ground that the order dated 22nd June, 2017 has been complied with.

6. Thereafter, the appellant filed the underlying writ petition which was dismissed by the learned Single Judge *vide* the impugned judgement dated 3rd May, 2024, constraining the appellant to file the present appeal.

7. Appellant appeared in person and submitted that the denial of disclosure of information as sought by him in his application is contrary to the provisions of the RTI Act. He submitted that though the information as sought by the appellant in points (i) and (ii) were furnished to him, yet the information sought in point (iii) was only partly furnished. He stated that even at the first instance, the information sought in point (ii) was furnished in a vague manner. It was only upon the order dated 22nd June, 2017 passed by the CIC in the second appeal that the Manpower Requirement Budget for Executives was furnished. He submitted that so far as the point (iii) is concerned, only part information with respect to name, present posting and educational qualification of the



Executives was furnished. He submitted that the information sought in point (iii) in respect of the names of the Institute/University from where the selected Executives had obtained their degrees has still not been furnished to him. Thereafter, he filed another appeal against non-compliance of the order dated 22nd June, 2017 passed by the CIC. He stated that the CIC dismissed this appeal without assigning any reasons *vide* order dated 1st November, 2019.

8. The appellant submitted that the information as sought, having not been disclosed by the respondent, the appellant had preferred the underlying writ petition, which too was dismissed by the learned Single Judge without appreciating the provisions of the RTI Act. He stated that the rejection by the CIC of the information sought under the provisions of Section 8(1)(j) of the RTI Act is absolutely arbitrary and unwarranted. He stated that the learned Single Judge also did not consider the larger public interest that was involved in the information sought.

9. Appellant also urged that on the one hand, the initial rejection of the information sought was on the basis of the provisions of Section 7(9) of the RTI Act whereas, the rejection in the second appeal, of the part information covered under point (iii) was under the provisions of Section 8(1)(j) of the said Act. According to the appellant, there was no consistency in the reasons for rejection. The rejection in the initial stage was not on the basis of the information not having any relation to any activity or interest or that there is no larger public interest involved. He stated that the refusal to divulge relevant information on the aforesaid two sets of provisions is divergent and cannot be read together. In that



view, the appellant stated that there is no impediment in disclosing such information.

10. It is contended by the appellant that there exists a larger public interest in disclosure of information regarding the Institutes/Universities from which the selected Executives had passed out, as forty-four (44) deemed Universities had been de-recognised, thus making the disclosure of such information imperative to ensure that the Executives which have passed from de-recognised universities/institutes do not hold posts with the respondent. The appellant stated that the forty-four (44) Universities were de-recognised as a consequence of the judgment of the Supreme Court and as such, the information sought would have a direct bearing on the issue whether the persons who were selected in the large scale induction, post the said judgment, had the requisite qualifications from recognized Colleges/Universities or not.

11. We have carefully considered the arguments of the appellant in person as also perused the impugned judgment passed by the learned Single Judge.

12. From the arguments addressed by the appellant as also upon examination of the records of the instant appeal, it is apparent that the information sought by the appellant in points (i) and (ii) were indeed furnished to the appellant either by the CPIO, the first Appellate Authority or under the orders of the CIC. It is also apparent that the grievances of the appellant were addressed by various hierarchical authorities within the provisions of the RTI Act. It is also not disputed that so far as point (iii) of the RTI application of the appellant is concerned, that part of the information which was not falling within the



exemptions carved out by Section 8 of the RTI Act was also furnished to the appellant.

13. In order to appreciate the refusal to divulge the information sought in point (iii) of the RTI application of the appellant, it would be apposite to extract the information so sought under the RTI Act hereunder:-

“(i) Certified Copy of the Recruitment Policy on the executives.

(ii) Certified Copy of the Manpower Requirement Budget for executives.

(iii) A total number of executives at the induction level have been recruited during the last 5 years (i.e. from the year 2010 to 2015) with detailing their Name, Qualifications, Name of the Passing Institute/university and their present posting in the Corporation.”

(Emphasis supplied)

14. It is clear from the perusal of point (iii) above that the appellant sought details of the name, qualifications, as also the name of the Institutes/Universities wherefrom the incumbents who were selected in the large scale induction. The details of the names alongwith the educational qualifications and the postings at the relevant point in time have, admittedly, been furnished to the appellant. The refusal was in respect of the names of the Institutes/Universities from where the incumbents had obtained their technical qualifications/degrees. We find that this information is personal to the said incumbents who had cleared or obtained degrees from such Institutes/Universities and had no relevance so far as the appellant is concerned. Moreover, the query itself appears to be vague, ambiguous and unclear. It appears to us that the appellant was indulging in fishing and roving inquiry into areas which were not relevant to the appellant.



15. Apart from the above, even before us, the appellant was unable to demonstrate any larger public interest in such disclosure of information. Rather, it appears that the said information would have caused unwarranted invasion of privacy of the individuals. So far as the issue of larger public interest is concerned, this Court, in a recent judgment dated 18th July, 2024 in ***Ravi Prakash Soni vs. Central Information Commission and Ors.***, LPA 523/2024 in para 22, has held as under:-

“22. We have also considered the issue of refusal of information on the grounds of lack of larger public interest. It appears from the orders of the information authorities as also the impugned judgement of the learned Single Judge that this issue has not commended itself to either the authorities or to the learned Single Judge. The reason is not far to see. Apparently, the appellant appears to be seeking some information relating to the bank locker held by the late father, pending disputes between the legal heirs and there cannot possibly be any public interest in that, much less any larger public interest. The words “larger public interest” would, in our view, have an impact on a broad section of the society and not individual interests or conflicts. It cannot be defined in a straight jacket formula and has to be interpreted on a case to case basis. Suffice it to say that the appellant has not been able to demonstrate, in the facts of the case, as to what that “larger public interest” would be. On this aspect too, we concur with the reasoning of the learned Single Judge.”

16. The argument regarding the divergence in the opinion of the two Authorities for refusal of information, in that, the refusal on the ground of Section 7(9) of the RTI Act by the CPIO and the rejection of the second appeal on the grounds of exemption under section 8(1)(j) of the RTI Act by the CIC is concerned, we are of the considered opinion that as an appellate forum, the CIC examined as to whether such information was exempted under the provisions of RTI Act. It appears to be on such examination that the CIC found that the information sought would invade private rights of third parties and as such would fall within the



mischief of section 8(1)(j) of the RTI Act. Thus, this divergence, if at all, is inconsequential as the Appellate Authority has come to the correct conclusion.

17. We find that learned Single Judge had also referred to the counter affidavit filed by the respondents in the writ petition, in the impugned judgment. It was observed that the younger brother of the appellant was employed with the respondent and was dismissed from service sometime in the year 2012. It was only consequent thereto that repeated applications were being filed by the appellant with an oblique motive. It was also observed that the appellant had filed about twelve (12) RTI applications. These observations of the learned Single Judge on facts have also neither been denied nor refuted by the appellant before us. The said aspect also propels us to verily believe that the application filed by the appellant was not bona fide. Be that as it may, we find that the disclosure of such information was clearly not in the larger public interest and the exemption under Section 8(1)(j) of the RTI Act has been correctly invoked by the CIC and rightly upheld by the learned Single Judge. In that view of the matter, we find no reasons to interfere with the impugned judgment passed by the learned Single Judge.

18. Resultantly, the present appeal is dismissed without any order as to costs. Pending applications, if any, stand disposed of.

TUSHAR RAO GEDELA, J

ACTING CHIEF JUSTICE

AUGUST 13, 2024/rl