

Central Information Commission

No.CIC/OK/A/2007/000326

Dated: 28 August 2007

Name of the Appellant : Shri Amitava Choudhury,
2C, Geentanjali Apartment,
Ramcharan Seth Road, Ramrajatala,
Howrah - 4.

Name of the Public Authority : South Eastern Railway

Background:

Shri Amitava Choudhury of Howrah filed an RTI-application with the Public Information Officer, South Eastern Railway, Kolkata, on 28 August 2006, seeking information regarding the recruitment of Tr. Ticket Collector through the Railway Recruitment Board, Kolkata vide Employment Notice No.JEN/1/2002, Category No.3. The Appellant also sought inspection of files and records relating to the recruitment to the above post.

2. The PIO vide letter dated 29 August 2006 wrote to the Appellant that his RTI-application was being forwarded to the Chairman, Railway Recruitment Board, Kolkata, for providing necessary information under the RTI-Act. On 5 September 2006, the PIO, Railway Recruitment Board, Kolkata, replied to his RTI-application and stated that the Appellant had not clarified his locus standi for inspection of these documents.

3. Not satisfied with the reply of the PIO, the Appellant filed an appeal with the first Appellate Authority on 15 September 2006 wherein the Appellant stated that he had sought information under sub-section (i) & (j) of Section 2 of the RTI Act. In response, the Respondent asked the Appellant to come to his office on 28 September 2006. Thereafter, the Appellant approached the Central Information Commission with a second appeal on 23 February 2007.

4. The bench of Dr. O.P. Kejariwal, Information Commissioner, heard the matter on 22 August 2007.

5. Shri Sanjib Kumar Saha, Member-Secretary, RRB and Shri Biswajit Chatterji, OS II, represented the Respondents.

6. The Appellant, Shri Amitava Choudhury, was present in person.

Decision:

7. The Commission heard both the sides. The Appellant actually wanted details and inspection of files and records relating to the selection of the post of Train Ticket Collector through the examination held on 25 May 2003 conducted by the Railway Recruitment Board, Kolkata. During the hearing, the Respondents brought to the notice of the Commission a circular of the Railway Board dated 12 June 2006 which prohibited disclosure of the examination results to anyone except the candidate concerned and accordingly they had asked the Appellant his locus standi for getting this information.

8. The Commission stands surprised at the circular because it seems to be against the spirit of the RTI-Act which in no way lays down that the Respondents will ask the Appellant for reasons for disclosure of any information nor his locus standi in the matter.

9. As such the Commission directs the Respondents to open up all the files and records to the Appellant by 15 September 2007 at a time mutually convenient.

10. Since the circular gives a totally distorted picture of the RTI-Act, the Commission also directs the appropriate authorities for immediate withdrawal of this circular.

11. The Appellant is also authorized to ask for photocopies of the document that he requires which should be supplied to him free of cost.

12. The case is thus disposed of.

Sd/-
(O.P. Kejariwal)
Information Commissioner

Authenticated true copy:

Sd/-
(G. Subramanian)
Assistant Registrar

Cc:

1. Shri Amitava Choudhury, 2C, Geetanjali Apartment, Ramcharan Seth Road, Ramrajatala, Howrah-4
2. The Public Information Officer, South Eastern Railway, 11, Garden Reach Road, Kolkata-700 043
3. Shri S.K. Saha, Member Secretary & Appellate Authority, Railway Recruitment Board, Metro Railway A.V. Complex, Chitpur, Opposite to R.G. Kar Medical College & Hospital, R.G. Kar Road, Kolkata - 700 037
4. The Chairman, Railway Recruitment Board, Railway Recruitment Board Kolkata, Metro Railway A.V. Complex, Chitpur, Opp. to R. G. Kar Medical College & Hospital, R. G. Kar Road, Kolkata-700 037
5. The Chairman, Railway Board, Rail Bhawan, New Delhi
6. Officer Incharge, NIC
7. Press E Group, CIC