



Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/K/SA/47/2017

Decision No. No. SIC/K/SA/47/2017/39

Appellant: Dr. Suhail Amin Patigaroo

Respondent: First Appellate Authority (FAA)/Principal
SKIMS Medical College Srinagar/Public
Information Officer (PIO)/ Medical
Superintendent, SKIMS Medical College
Srinagar

Date of Registration : 28.07.2017

Date of Decision : 11.09.2017

Brief Facts:

The brief facts of the case are that Dr. Suhail Amin Patigaroo R/o H No. 77 Alnoor Colony (West) Bypass Hyderpora filed the 2nd appeal against the FAA/PIO SKIMS Medical College, Bemina, Srinagar on 28.07.2017. The appellant has submitted in the 2nd appeal that he filed an RTI application before the PIO SKIMS Medical College, Bemina, Srinagar on 15.06.2017, which the PIO did not respond till 17.07.2017 when he filed First appeal before the Principal/FAA SKIMS Medical College, Bemina, Srinagar. In response to the first appeal he received point wise response from the FAA vide letter dated 22.07.2017 but without relevant

documentary proof. The appellant submitted that the FAA provided him the copy of award sheets which apparently seems to have been filled by a single person and not by the members of the Selection Committee because of absence of authentic signatures of the subject experts and the Committee members. The appellant has accordingly requested the Commission to direct the FAA to provide him the original marks sheets signed by each subject expert with their signatures and date and original marks sheets signed by non-subject expert committee members including the then Hon'ble Chief Secretary with their signatures and date.

As per the records of the 2nd appeal, the appellant vide RTI application dated 15.06.2017 has sought information on 20 points regarding the interview marks of Dr. Nazia Mehfooz and Dr. Mir Elias who appeared before the Selection Committee for the post of Lecturer in Chest Medicine held on 17 March and subsequently Dr. Mir Elias was selected vide Order No.39-SKIMS of 2017 dated 14.06.2017. The FAA/Principal SKIMS Medical College, Bemina, Srinagar vide Communication dated 22.07.2017 has provided point wise response to all the queries of the RTI application.

Proceedings before the Commission:

The 2nd appeal came up for the hearing today on 11.09.2017. Dr. Shafa A Deva PIO/Medical Superintendent, SKIMS Medical College, Bemina, Srinagar attended the hearing. The Appellant Dr. Suhail Amin Patigaroo also attended the hearing. The appellant submitted before the Commission that the PIO has not replied his RTI application and that the FAA has replied to all the queries of the RTI application but the original award/marks sheets with name and signature of the subject expert and non-subject expert have not been provided to him.

DECISION:

Heard the Parties at length and perused record of the 2nd appeal. The RTI application under consideration has not been replied to by the PIO. However, the FAA has responded to all the queries of the RTI application. Besides, the break-up marks of the candidates for the post of Lecturer in Chest Medicine who appeared in the interview on 17.03.2017 has been provided to the appellant. The name and signature of the members of the Interview Committee have rightly been held back on the assessment sheet.

This issue of not disclosing the names of examiners and experts who award marks has been settled in various Apex Court and High Court judgments on the grounds of Section 8 (c) and 8 (f). the examining body holds the names of experts/examiners in fiduciary capacity and it has been vicariously held that there could be damage to life and safety of the examiners if their identity is revealed although the marks awarded by them. The Commission is, therefore, of the considered view that the information sought by the appellant has been provided to the appellant. The Commission has observed that the reply should have gone from the PIO. But it is unusual in this particular case and in few other RTIs filed by the appellant Dr Patigaroo that the information has been provided by the FAA to the appellant through the PIO which practice in SKIMS Medical College needs to be corrected in future.

The 2nd appeal filed before the Commission is accordingly disposed of.

Sd/-
(Khurshid A. Ganai) IAS (Retd)
Chief Information Commissioner

Copy to the:-

1. Public Information Officer (PIO)/ Medical Superintendent, SKIMS Medical College, Bemina, Srinagar
2. Appellant- Dr. Suhail Amin Patigaroo R/o H No.77 Alnoor Colony (West) Bypass Hyderpora
3. Office File

(Sheikh Fayaz Ahmad)

Registrar

J&K State Information Commission