



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/J/A/18/2018

Decision No. SIC/J/A/18/2018/**256**

Final Order:

Appellant : Dr. Sapna Sharma,
R/O H.No-25-A, Shashtri Nagar, Jammu.
Respondent : FAA/PIO, University of Jammu.
Date of Registration : 01-05-2018
Date of decision : **26-06-2018.**
Decision : Appeal disposed of.

Brief Facts:

This present appeal has arisen out of an RTI application filed by Dr. Sapna Sharma on 31-01-2018 with PIO, University of Jammu seeking following information:

- i. provide copy of the factual note sent to the Financial Advisor & Legal Advisor of the University of Jammu in compliance to letter dated 15-01-2018 of the Hon'ble Chancellor's Secretariat.

- ii. Provide copy of the covering letters vide which factual note has been sent to the Financial Advisor & Legal Advisor of the University of Jammu.
- iii. Provide copy of the letter vide which a committee was framed in the regularization of Dr. Vivek, Dr. Pallavi, Dr. Bharti and Dr. Sandeep Singh as advised by the Hon'ble Chancellor's Secretariat; and
- iv. Provide details of the annexures attached with the factual note sent to Financial Advisor and Legal Advisor.

The PIO of the University of Jammu vide communication dated 26-02-2018 informed the applicant that no communication has been made till date in respect of point no-1 of her RTI application. In respect of point no-2, the applicant was informed that same was not applicable. In response to point no-3, copy of the order constituting the committee was furnished to the applicant. In response to point no-4, the applicant was informed that the same was not applicable. Aggrieved by the said reply of the PIO, the applicant filed 1st appeal before First Appellate Authority (FAA) on 28-02-2018. The said appeal was disposed of by the FAA on 26-03-2018 directing the Assistant

Registrar(T/W) to provide the desired information to the PIO within 10 days for onwards submission to the applicant. Subsequently the applicant filed 2nd appeal before the State Information Commission on 12-04-2018 praying thereunder that the information sought by the applicant vide point no 1, 2 and 4 of her RTI application be provided to the applicant.

Proceeding before the SIC:

The appeal came up for hearing before the State Information Commission (SIC) on 24-05-2018. Mr. Imran farooq PIO-II University of Jammu, Ms. Ihritika Singh Assistant Registrar (T/W) deemed PIO, University of Jammu and the appellant were present. The appellant submitted that the PIO has provided the information with respect to only point no-3rd of her RTI application while as no information was furnished to her in respect of point no 1, 2 and 4 of her RTI application. The PIO of University of Jammu submitted that the copy of the factual note sought by the appellant cannot be provided as the same contains extracts of legal opinion sought by University from its Legal Advisor and the Hon'ble High Court has stayed the order of State Information Commission to provide legal opinion to the appellant.

As regards to point no-2 of the RTI application, the PIO furnished a copy of the covering letter to the appellant during the course of hearing whereunder the factual note was sent to the Financial Advisor and the Legal Advisor. As regards to point no-4, the PIO submitted that the annexures attached with factual note also could not be furnished to the appellant as the same contained the extracts of legal opinion. In an earlier appeal filed by the appellant, the State Information Commission directed to Jammu University to provide the copies of legal opinion sought by the University from its legal advisor with regard to regularization case of the appellant Dr. Sapna Sharma. The University of Jammu challenged the order of the Commission by way of a writ petition with the Hon'ble High Court and the Hon'ble High Court was pleased to stay the order of the Commission. The writ petition is still sub-judice before the Hon'ble High Court. Therefore, the objections raised by the PIO, University of Jammu in sharing the extracts of the legal opinion with the appellant was valid in view of the interim stay granted by Hon'ble High Court. Accordingly, the PIO of University of Jammu was directed to provide a copy of the factual note sent by the University to its Financial Advisor and Legal Advisor and details of annexures attached with the factual

note after deleting and removing the extracts of legal opinion, keeping in view the stay order granted by the Hon'ble High Court on disclosing the legal opinion sought by the University.

The appeal again came up for the hearing before State Information Commission today on 26-06-2018. The PIO-II, University of Jammu and deemed PIO were present while as the appellant was not present during the hearing. The PIO submitted that in pursuance of the directions of the Commission dated 24-05-2018, the information sought by the appellant in respect of point no 1 and 4 of her RTI application have been furnished/provided to the appellant after removing and deleting the extracts of legal opinion therefrom on 18-06-2018. The PIO also produced a copy of acknowledgement receipt dated 19-06-2018 signed by office assistant of the appellant certifying the receipt of information. Though the appellant was not present during the hearing but she informed the registry of the Commission through SMS message that she has received the information from the PIO as directed by the Commission during the last hearing. In respect of point no 2 and 3, the PIO had already provided the information to the appellant. Since the entire information sought for by the appellant has now been

provided to her by the PIO, nothing further survives for adjudication in present appeal. The appeal is accordingly disposed of with no further order/direction.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/J/A/18/2018
/2018.

Dated: /

Copy to the:

- 1 First Appellate Authority (FAA) Registrar University of Jammu for information.
- 2 Public Information Officer (PIO-II) University of Jammu for information and compliance.
- 3 Dr. Sapna Sharma, R/O H.No-25-A, Shashtri Nagar, Jammu.
- 4 Guard file.

(Baldev Raj)
Joint Registrar,
J&K State Information Commission.