



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/76/2018
Decision No. SIC/K/SA/76/2018/**41**

Final Order

Appellant : Sh. Ab Rahid Gurkhoo

Respondents : FAA/PIO Health and Medical
Education Department, Kashmir

Date of Registration : 29.05.2018.

Date of Decision : 02.07.2018.

In the present case the applicant had sought information vide his RTI application 27.12.2017 from the PIO Directorate of Health Services, Kashmir (DHSK) with regard to number of applicants who had applied for the post of Veterinary Consultants under NHM, information along with relevant documents and certificates of candidates who had applied for the said post, list of eligible candidates and details of merit of the candidates who appeared for the screening test. Subsequently,

the appellant filed First Appeal with the FAA on 30.01.2018 alleging that no information has been provided to him by the PIO. The FAA vide order dated 02.02.2018 disposed of the First Appeal directing the State Surveillance Officer, IDSP, Barzulla Srinagar to provide the left out information to the appellant as some of the information had already been provided by the PIO to the applicant on that date. Subsequently, vide communication dated 26.02.2018, the FAA has provided the information to the applicant with regard to the complete merit list of the candidates who appeared in the screening test. Not satisfied with the information provided, the appellant filed 2nd appeal before the Commission on 29.05.2018 with the prayer that the concerned authorities be directed to provide balance information to the appellant without any further delay.

The appeal came up for hearing before the Commission today on 02.07.2018. The PIO of the Directorate of Health Services Kashmir submitted that the State Surveillance Officer, IDSP, Barzulla Srinagar has already provided the information to the appellant vide his communication dated 27.01.2018. On the directions of the FAA, further information was provided to the appellant on 29.02.2018. The PIO also informed that in all 19 candidates had applied for the post of Veterinary Consultants under NHM for 2017-18. All these 19 candidates were found eligible and called for screening test. However, only 5 candidates

appeared for the test. All these details have been provided to the appellant including the merit position of these 5 candidates. However, with regard to Point 2 where under the appellant had sought qualification and experience certificates of the candidates appearing for the screening test, the PIO initiated proceedings under the provision of Section 11(1) of the RTI Act as the information sought by the appellant related to 3rd party on the ground of being the personal information of the concerned candidates. Accordingly, notices were served on all the 5 candidates whose certificates were asked by the applicant/appellant. Four of the candidates conveyed their no objection to the disclosure of information and the copies of their certificates were provided to the appellant. However, the selected candidate namely Dr. Sumia Niyaz informed the PIO that her certificates should not be provided to the appellant. Accordingly, her certificates/ testimonials were not provided to the RTI applicant. The appellant, however, submitted that the documents and certificates furnished by the candidates at the time of selection are no longer personal information of the concerned candidates as these documents are now available

with the Public Authority i.e., State Surveillance Officer, IDSP, Barzulla Srinagar. He requested that the documents and testimonials on the basis of which Dr Sumia Niyaz was selected be provided to him like the documents and certificates of other 4 candidates. At this stage, the PIO of the Directorate of Health Services, Kashmir submitted that she would have no objection in case she is directed to provide the documents and testimonials of Dr. Sumia Niyaz.

Since the documents asked for by the appellant are available in the form of record with the Public Authority, the Public Authority is under an obligation to provide the same to the appellant. The PIO has already provided the documents and certificate of other 4 candidates. There is no reason why the appellant should be denied the copies of documents/ testimonials for the candidate who has been selected for the post of Veterinary consultant on the basis of these documents and certificates. With the agreement of the parties, the appeal is accordingly disposed of with a direction to the deemed PIO/State Surveillance Officer, IDSP, Barzulla Srinagar to provide the qualification/experience certificates along with state subject

certificate of the selected candidate namely Dr. Sumia Niyaz to the appellant within a period of 7 days from the date of receipt of this order. The PIO Directorate of Health Services, Kashmir is also directed to coordinate with the deemed PIO/State Surveillance Officer, IDSP, Barzulla, Srinagar to ensure that the information is provided to the appellant within the aforesaid period. Should the deemed PIO/State Surveillance Officer, IDSP, Barzulla Srinagar fail to provide the information to the appellant within aforesaid period, the appellant shall be at liberty to file a complaint before the Commission against him for non-compliance.

With the above directions, the 2nd appeal filed before the Commission is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. PIO/Dy. Director O/O Directorate of Health Services, Kashmir
2. PIO State Surveillance Officer, IDSP, Barzulla, Srinagar

3. Appellant—Sh. Ab. Rashid Gurkhoo, E-8 Cooperative Colony Peerbagh, Srinagar

(Sheikh Fayaz Ahmad)

Registrar

J&K State Information Commission