



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/282/2013
Decision No SIC/J/A/282/2013/376

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|---|-----------|---------|
| Dr. Amit Sharma | Appellant | Present |
| Sh. Rajesh Sharma Section Officer (Legal) SMVD University, Kakryal, Katra. | PIO | Present |

**Jammu
04-12-2013**

Briefly the facts in this appeal are that Dr. Amit Sharma, Assistant Professor, SALD, SMVDU, Katra S/o Sh. Rajesh Sharma R/o Nai Basti, Kana Chak, Akhnoor Road-Jammu moved an application dated 05-08-2013 under J&K Right to Information Act, 2009 before the PIO, SMVD University, Katra seeking the information relating to "*Letter no. F.No.1-2/2009 (EC/PS) Pt. File V dated 14th September 2010*" and "*UGC Regulations-2010 issued vide no. F.3-1/2009 dated 30th June 2010*:-

- 1. A true copy of all the notings/official orders/communications/directions (in writing) as made (or approved) by Hon'ble Vice Chancellor SMVDU based on which the above specified UGC norms have not been implemented in the University till date in case of those incumbent teachers having 03 years of service in pay grade of 12,000-18,300 (excluding time spent for obtaining Ph.D.) along with having Ph.D. Degree*
- 2. A true copy of all the notings by all other university officials (including the Registrar), leading to non-compliance of the above specified UGC norms in the University till date, in case of those incumbent teachers*

having 03 years of service in pay grade of 12000-18300(excluding time spent for obtaining Ph.D.) along with having Ph.D. Degree.

The PIO after receiving the application of the information seeker sought assistance of Establishment Section vide Inter Office Correspondence no. SMVDU/PIO/13/494 dated 07-08-2013. The concerned section vide their response dated 27-08-2013 intimated the non-availability of the information on record and accordingly, the appellant was intimated the above position while disposing of his RTI application.

Feeling aggrieved of the order of the PIO, the appellant preferred 1st appeal dated 09-09-2013 before the FAA i.e. Registrar, SMVD University. The FAA disposed of 1st appeal with the observation that no case of interference has been carved out by the appellant and upheld the order of the PIO.

Feeling aggrieved of the order of the PIO as well as the FAA, the appellant knocked the doors of the Commission by filing 2nd appeal dated 25-10-2013 in which he has alleged interalia that in order to establish transparency and accountability in the working of the public authority (SMVDU in instant case) regarding the non-implementation of UGC norms as prescribed by the MHRD, the requisite information was sought which has been intentionally denied to him. The appellant further alleged that the Registrar, SMVD University is intentionally concealing and obstructing the information sought by him. The Commission after receiving the appeal of the appellant issued notice vide no. SIC/J/282/2013/5084-85 dated 08-11-2013 directing the PIO to send counter reply within 07 days from the receipt of the notice and the matter was listed for hearing on 04-12-2013 at Jammu Office of the Commission. The PIO filed counter reply vide office no. SMVDU/PIO/2nd appeal/13/648-49 dated 03-12-2013. After going through the contents of the appeal filed by the appellant and the counter reply submitted by the PIO, the Commission is of the considered opinion that the information has been denied to the appellant solely on the ground that it is extracted information which a public authority is not required to research on behalf of the citizen to deduce anything from the material and then supply to him. The FAA also observed in its order that a public authority is also not required to furnish information which require drawing of inferences or making of assumptions.

In the given circumstances, it would be appropriate to provide the appellant an opportunity to inspect the relevant record so that the information requested by him can be made available to him provided it exists in material form and is available in the office record. In view of the aforesaid observations Registrar, SMVDU is hereby directed to allow the appellant an opportunity to inspect the record in her office during office hours on a working day and provide him photocopies of the relevant documents if any requested by him in the RTI application. The parties are at liberty to settle the date and time for inspection of record which may be convenient to both of them.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Dr. S.K. Sharma
State Information Commissioner