



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC-J-C-37/2013
Decision No: SIC-J-C/37/2013/381

Sh. Vinay Kumar	Complainant	Present
Sh. Satish Sharma, Asstt. Registrar, OSD to Registrar, University of Jammu, Jammu.	PIO	Present
Sh. S.C. Kotwal, Deputy Registrar, Creation & Recruitment, University of Jammu, Jammu.		Present

Jammu
11-12-2013

Briefly the facts in this complaint are that Sh. Vinay Kumar R/o H-674, Vishal Nagar, Jammu moved an application dated 22-03-2013 under J&K Right to Information Act, 2009 before the PIO/University of Jammu, whereunder he sought following information :-

1. *Supply a list of candidates who applied for the post of Employment Officer in response to Advertisement Notice issued by the University of Jammu under endorsement No: Adm/C&R/10/862-961 dated 07-12-2010.*
2. *Why the interview for the said post was not conducted by the University earlier?*

3. *What is the specific reason behind re-advertising the said post again with the same pay scale and terms & conditions (as were contained in the previous advertisement) vide Advertisement Notice No. Adm/C&R/13/19-38 dated 24-01-2013?*
4. *Why the application forms against the previous advertisement against the said post shall not be entertained by the University?*
5. *Whether the University will refund Rs. (as cost price of application form) with Bank Interest to each candidate who applied against the previous advertisement (as the interview for the said post was not conducted by the University)?*

The PIO received the RTI application on 25-03-2013 and vide office No. PIO/JU/13/6822 dated 02-05-2013 furnished the requisite information to the information seeker. However, the information seeker was not satisfied with the information provided to him and preferred 1st appeal dated 13-05-2013 before the FAA/Registrar, University of Jammu which was disposed of vide order No. 1st AA/13/75-77 dated 16-07-2013 whereunder the residual information was also provided to the information seeker. Whereas, the information seeker was not satisfied with the order passed by the FAA preferred complaint dated 03-07-2013 before the Commission wherein he has alleged that information requested in his RTI application has not been provided to him by the PIO as well as the FAA.

The perusal of record shows that the information sought by the information seeker stands already furnished to him. So far queries no. 2-5 are concerned these do not fall within the ambit of information as defined in Section 2(d) of the J&K RTI Act, 2009. The information seeker in queries no. 2-5 have raised hypothetical questions which are based on surmises and have no material existence and availability in the office record maintained by the University.

The perusal of documents on record reveal that the PIO supplied the desired information to the applicant after an expiry of 30 days which is not permissible under the J&K RTI Act, 2009. Whereas the PIO forwarded the RTI application of the information seeker to the Assistant Registrar (C&R) vide letter No. PIO/JU/13/6438 dated 26-03-2013 followed by a reminder vide letter No. PIO/JU/13/6775 dated 23-04-2013 for furnishing the desired information. After receiving the reminder, Assistant Registrar(C&R), University of Jammu furnished the desired information vide letter No. PIO/JU/13/6822 dated 02-05-2013 after an

expiry of 37 days. Thus, there is only 07 days delay which is not intentional on the part of the PIO and is purely circumstantial in nature and as such it cannot be attributed that the PIO had malafide intention to deny the information to the information seeker.

Keeping in view the factual matrix of the case and the aforesaid observations, the Commission arrives at the conclusion that the complaint filed by the information seeker is without merit and no direction in the matter is required.

The complaint is accordingly disposed of.

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

Dr. S.K. Sharma
State Information Commissioner