



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC-CO-SA-106-2013

Decision No: SIC-CO-SA-106-2013-609

Title:- Nisha Raina V/s PIO J&K SSRB  
Jammu  
11.03.2014

This is a second appeal filed by Ms. Nisha Raina, a resident of the state before this Commission on 1.1.2014 against the refusal of PIO and FAA of SSRB for furnishing the information as sought by her in her RTI application. Shri Shamim Kripak, Administrative Officer –cum- PIO SSRB attended the hearing. Appellant did not attend.

Brief Facts of the case are that one Mr. Nisha Raina filed an application under section 6 of the J&K RTI Act, 2009 before the Public Information officer/Additional Secretary (Legal) Service Selection Board Jammu. Vide the above said RTI application the applicant asked the following information from the PIO SSRB.

1. Total no. of posts Advr. Vide Notification No. 1 of 2010 dated 12-01-2010 under item no. 001 (i.e post of teacher)
2. Total no. of posts Advt. vide Notification No. of 06 of 2010 dated 04-05-2010 under item no. 001 (post of teacher)

Whether post of teacher Advertised vide Notification No. 001 of 2010 dated 12-01-2010 item no. 001 and post of teacher advertised vide Notification No. 06 of 2010 dated 04-05-2010 item no. 001 under Prime Minister Special Package for Kashmiri migrants is considered to be one Notification for the post of teacher or not as it is mentioned in Notification No. 06 of 2010 dated 04-05-2010 item no. 001 the candidate who have already applied for the post of teacher under previous notification for the post of teacher under Jammu and Kashmir “ Kashmir Migrant

(Special Drive) Recruitment Rules 2009 “ need not apply again. However the candidates whose candidatures have been rejected by the Board on the technical grounds can apply for the said post.

In response to the RTI application filed by the information seeker, Administrative officer/PIO of J&K Service Selection Board supplied the information to the information seeker vide his letter no. SSB/Div/Kash/RTI/13123/3183-84 dated 25-11-2013. The information seeker felt aggrieved of the information given to her in respect of point no. (iii) of the RTI application filed first appeal before the FAA/Secretary J&K SSRB. The first appeal filed by the information seeker was disposed of by the First Appellate Authority vide his order no. FAA/J&KSSB/2013/114 dated 30-12-2013 with an observation that the information sought by the appellant has already been provided to the information seeker. Aggrieved by the said order passed by the FAA, the information seeker has filed the present 2<sup>nd</sup> appeal. The matter was taken on the merits. The appellant in point 3 of her RTI application has sought a specific information. “whether post of teacher advertised vide Notification No. 01 of 2010 dated 12-01-2010 item no. 001 and post of teacher advertised vide No. 06 of 2010 dated 04-05-2010 item no. 001 under Prime Minister’s Special Package is considered to be one notification or not as it is mentioned in the Advertisement Notification No. 06 of 2010 dated 04-05-2010 item no. 001 that the candidate who have already applied for the post of teacher under previous notification for the post of teacher under J&K Kashmiri Migrant (Special Drive) Recruitment Rules, 2009 need not apply again. However, the candidates whose candidature have been rejected by the Board on technical ground can apply for the said post”

In reply to the said query, the PIO vide his letter No. SSB/Div/Kash/RTI/13123/3183-84 dated 25-11-2013 has stated that the advertisement Notification No. 01 of 2010 dated 12-01-2010 and advertisement Notification No. 06 of 2010 dated 04-06-2010 are separate Notification. He has further stated that a condition was laid down in advertisement Notification No. 06 of 2010 dated 04-05-2010 that the candidates who have already applied for the post of Teacher under previous notification for the post of teacher under J&K Kashmiri Migrants (Special Drive) Recruitment Rules, 2009 need not apply again. However, the candidates whose candidatures have been rejected by the Board on technical ground can apply for the said post.

From the perusal of the record it appears that the above said condition laid down in the advertisement Notification No. 06 of 2010 dated 04-05-2010 has

given rise to a genuine belief in the mind of the information seeker that the above said advertisement Notification might have been considered to be one notification for the purposes of selection of teacher under J&K Kashmiri Migrant (Special Drive) Recruitment Rules, 2009 need not apply again. The PIO has also not categorically stated that whether the said advertisements were considered to be one notification or not.

In the light of the observation herein above, the PIO, J&KSSRB is directed to verify from the record whether there is any order by virtue of which the above said two notifications were considered to be one notification or not and inform the information seeker accordingly within a period of 10 days. The appellant is also directed to apprise the Commission about the constructive purpose for which she may be using this information within one month from the date of receipt of information.

Sd/-  
(G.R. Sufi)  
State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K SSRB, Jammu
2. Public Information Officer, J&K SSRB, Jammu
3. Ms. Nisha Raina, D/o Shri Sham Lal Raina, R/o H. No: 39, Lane No 5, Anand Nagar, Bohri, Jammu-180002.
4. Private Secretary to Chief Information Commissioner
5. Guard File

( G.Q. Bhat )  
Registrar  
State Information Commission