

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
January 10, 2013

**In the matter related to appeal dated 09.12.2012 of Sh. Mohinder Pal
under RTI Act 2005**

Whereas Sh. Mohinder Pal has filed an application dated 03-11-2012 seeking some information under RTI Act which has been made available to him by PIO, IIT Delhi vide dated 06-12--2012. Not satisfied with the information furnished by PIO, he has preferred an appeal dated 09-12-2012.

I have perused the appeal preferred by Sh. Mohinder Pal. The appellant has sought following information :

- a) **The information sought at sr.no. 4 &6 of list – I** i.e. the actual time allotted to each individual candidate for the brief power point presentation and the time of the actual commencement and ending of power point presentation and the total time spent for power point presentation by all the candidates in the Board Room on 17-10-2012. This information has earlier been denied by PIO stating that no such record exists. It has further been confirmed that there, in fact, exists no record regarding such information and as such it cannot be made available.
- b) **The information sought at sr.no.1,4&5 of list –II** i.e. the photocopies of the application forms for the post of Dy. Registrar of all the candidates of unreserved and OBC categories who appeared for the written test held on 16-10-2012, photocopies of the No Objection certificates from the employers of these applicants and photocopies of date of birth certificates, degree certificates, declaration forms of OBC filled in by these candidates. The information has rightly been denied earlier by PIO since it relates to personal information the disclosure of which has no relationship to any public activity or interest. However, in case the applicant wants to discuss the relationship of this information with any public activity or interest, he is welcome to visit this

office on any working day (after seeking prior appointment) and if he is able to establish his view point, the information would be shown to him there and then.

- c) **The information sought at sr.no. 3 of List – II** i.e. the hard copies of the power point presentation made by the candidates belonging to unreserved and OBC categories in the Board Room on 17-10-2012. This information has earlier been denied by PIO stating that no such record exists. It has further been confirmed that there, in fact, exists no record regarding such information and as such it cannot be made available.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Mohinder Pal
(mpalchikna@gmail.com)

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
January 16, 2013

**In the matter related to appeal dated 04.01.2013 of Sh. Rajeev Kumar
under RTI Act 2005**

Whereas Sh. Rajeev Kumar has filed an application dated 06-11-2012 seeking some information under RTI Act which has been made available to him by PIO, IIT Delhi vide dated 12-12--2012. Not satisfied with the information furnished by PIO, he has preferred an appeal dated 04-01-2013.

I have perused the queries of appellant and it is seen that information sought does not qualify to be categorized as an information under the provisions of RTI Act. The appellant vide these queries seeks information on **how** the peer reviewers are appointed/selected, **what** are the areas of conflicts of interest between selection committee members and candidates and **whether** these are considered at the time of peer reviewing/interviewing the candidates, **whether** any procedures exist by which a selection committee member can recuse himself due to such conflicts of interest, **whether** the candidate gets an opportunity to indicate such conflicts of interest during peer reviewing/interviewing or/after the process etc.

The information sought is in the nature of clarifications and as informed by the concerned section no such information in the form of documents etc. is available. As such the information cannot be furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Rajeev Kumar
B-250
IIT Campus
Kharagpur
West Bengal – 751 007

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
January 16, 2013

**In the matter related to appeal dated 26.12.2012 of Sh. Keshav Datt Sharma
under RTI Act 2005**

Whereas Sh. Keshav Datt Sharma has filed an application dated 14-11-2012 seeking some information under RTI Act which has been made available to him by PIO, IIT Delhi vide dated 3-12--2012. Not satisfied with the information furnished by PIO, he has preferred an appeal dated 26-12-2012.

I have gone through the appeal and it is observed that the appeal is in respect of queries at sr. no. 2& 3 which read as under :

2. **“Whether** I have been given the benefit of addition of nearly 5 years to my qualifying service as admissible under the rules and if not **reason** thereof with copy of office notes and orders of the competent authority”
3. **“Whether** my service of nearly 8 years at CSIO (under CSIR) from where I joined IITD in July 1970 without break and the CSIO having directly transferred my entire CPF to IIT has been counted towards qualifying service purposes and if not the **reason** thereof duly supported by copies of office notes with orders of the competent authority.”

It would be seen that these queries are in the form of clarifications which do not qualify to be categorized as an information under the provision of RTI Act. It is further seen that photocopies of office notes pertaining to calculation sheet for his pension have already been made available to the appellant. As such the information sought by the appellant cannot be furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Keshav Dutt Sharma
c/o Sh. K.K. Bali
C-2A/16/95 Janakpuri
New Delhi - 110058

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
January 24, 2013

**In the matter related to appeal dated .01.2013 of Sh. Krishna Datt Sharma
under RTI Act 2005**

Whereas Sh. Krishna Datt Sharma has filed an application dated 17-12-2012 seeking some information under RTI Act which has been made available to him by PIO, IIT Delhi vide dated 08-01--2013.

I have perused the issues raised by the appellant in his appeal. The appellant is dissatisfied with the information furnished by PIO to the following queries made in his original application :

- a) What actions have been taken by the institute to fill up 13 vacancies in the cadre of library staff?
- b) Since which year three posts of Dy. Librarian are lying vacant?
- c) By which year these posts are likely to be filled up?

The PIO has vide his reply dated 8-1-2012 informed that the efforts to fill up these vacancies are going on but no definite time limits are there in this regard.

In my view the information sought by Sh. Krishna Datt Sharma does not comprise an information within the provisions contained in RTI Act, 2005. These are more in the nature of queries seeking explanations and assurances. Not only that these do not comprise an information under the provisions of relevant act, no such document is available as discussed with concerned section.

With the above in view the information sought by Sh. Krishna Datt Sharma cannot be furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Krishna Datt Sharma
1/5048, Gali No. 2
Balbir Nagar, Shahdara
Delhi - 110032

Copy to :

PIO

OFFICE OF THE APPELLATE AUTHORITY

**(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
January 24, 2013

**In the matter related to appeal dated 19 .01.2013 of Sh. A. Mohamed Yusuf
under RTI Act 2005**

Kindly refer to your appeal dated 19-1-2012. I have inquired into the matter and it is to inform that the information sought by you vide your letter dated 9-11-2012 already stands furnished by PIO of the Institute, Sh. Vivek Raman vide letter No. IITD/RTI/2012/221/963 dated 22-11-2012.

However, in case it has not been received by you, you may seek a copy thereof from the office of PIO.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh A. Mohamed Yusuff,
Advocate,
Popular Front of India
G-66, 2nd floor, Shaheen Bagh
Kalindi Kunj, Noida Road
New Delhi – 110 025

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
February 13, 2013

**In the matter related to appeal dated 01.02.2013 of Sh. Kanti Prasad
under RTI Act 2005**

I have been informed by PIO that some more information has been made available to you vide his letter dated January 8, 2013.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Kanti Prasad
D-104,
Seema Apartments
Plot No. 7, Sector XI,
Dwarka,
New Delhi - 110075

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
March 14, 2013

**In the matter related to appeal dated 1.03.2013 of Sh. Kanti Prasad
under RTI Act 2005**

Whereas Sh. Kanti Prasad has filed an application dated 15th Oct., 2012 under RTI Act seeking some information which has already been made available to him by PIO, IIT Delhi vide letter No. IIT/RTI/2012/196/954 dated 20th November, 2012. Not satisfied with the reply furnished by PIO, the appellant preferred an appeal dt. 15-10-2012 which was disposed off by appellate authority vide order No. IITD/R/AA/12/AREG-2042 dated December 11, 2012. Vide this order the PIO was directed to furnish information sought by appellant vide para 4 (b) and 4 (h) of original application. This information was furnished by PIO vide letter dated January 8, 2013. The appellant preferred another appeal dated 5-2-2013 which was replied to by the appellate authority vide order No. 192 dated Feb. 20, 2013. The applicant however, is still not satisfied by the information furnished to him and has now made following specific observations vide this letter dated 1-3-2013.:

- a) While replying to para 4 (b) on January 8, 2013 the PIO has observed that all related correspondence is available in his personal file, a copy of which has already been made available to him and there is no additional information available. The applicant has now observed that there is no related document available in this personal file.

The responsibility of PIO under the provisions of RTI Act is to provide available information which has already been furnished. PIO or any other official is not supposed to generate some information which is not existing/available with the institute. As such no more information on the issue raised by applicant in para 4 (b) of his original application can be provided since available information has already been furnished.

- b) The applicant vide para 4 (h) of his original application has sought information related to the communication exchanged between IRD Unit and Prof. Kandpal. Available information in this respect has already been furnished by PIO vide his letter dated 8th January 2013 and as such no more information can be provided since available information has already been furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Kanti Prasad
D-104, Seema Apartments
Plot No. 7, Sector XI,
Dwarka, New Delhi – 110075

Copy to : PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
April 1, 2013

**In the matter related to appeal dated 20.03.2013 of Sh. Rajesh Chauhan
under RTI Act 2005**

Whereas Sh. Rajesh Chauhan has filed an application dated 5-2-2013 seeking information about the genuineness of educational qualifications of S/Sh. Sudhanshu Bajaj and Rajiv Kumar Sharda under RTI Act. PIO has vide his letter No. IITD/RTI/2013/300/153 dated 12-3-2013 informed that no such name has been found in the list of students in the computer system of IIT Delhi. However, he desired entry number and passing of year etc. of the persons in question to furnish further details.

Aggrieved Sh. Rajesh Chauhan has preferred this appeal dated 20-3-2013 desiring to know whether **“PIO made any efforts to call up to these people etc. to check their credentials?”**

Right to Information Act is a provision to seek the information available with the public authority and does not mandate the PIO to initiate or conduct an inquiry to elicit the information. The appeal seems to be guided by misunderstanding of the provisions of the act by the appellant. He probably expects that PIO should call both these persons viz S/Sh. Sudhanshu Bajaj and Rajiv Kumar Sharda and conduct an inquiry about their degree and genuineness thereof.

With the above in view, the appeal is dismissed.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Rajesh Chauhan
4196, B-5/6
Vasant Kunj
New Delhi – 110 070

Copy to :

1. D.R. (PGS) :]
2. A.R. (UGS) :]

Certain doubts have been raised about the degrees claimed by Sh. Sudhanshu Bajaj (B.Tech., IIT Delhi, Computer Science and Rajiv Kumar Sharda (Ph.D., IIT Delhi). As informed by PIO these names do not appear in our data base of students. It would be appropriate to inquire into the matter and take further appropriate action.

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
April 26, 2013

Applicant Sh. Vivek Mahna submitted an application dated 22-10-2010 under Right to Information Act seeking some information related to correspondence between DIAL and IIT Delhi regarding sound barriers for IGI Airport. The information was declined by PIO on 24-11-2010 quoting the provisions of Section 8 (d) of RTI Act which reads as under :

"Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information".

Aggrieved Sh. Vivek Mahna filed an appeal before the first appellate authority on 29-11-2010. Appellate authority disposed off the appeal stating that the information cannot be furnished under provisions of Section 8 (d) of RTI Act in view. However, the application was transferred to DIAL under the provisions contained in Section 6 (3) of the relevant act. Replying thereto, DIAL informed that it is not subject to the provisions of RTI Act since it is not a public authority.

Sh. Vivek Mahna subsequently filed an appeal before the Central Information Commission which vide orders dated 19-3-2013 has directed the appellate authority to enquire into the allegations made by the complainant and to pass an appropriate order without any further loss of time after giving him an opportunity of hearing.

Pursuant thereto, Sh. Vivek Mahna has been given a personal hearing on 23-4-2013. Besides discussing the case he has also submitted a written statement. Sh. Vivek Mahna has made following assertions :

- a) Airport sound barrier study was initiated by DIAL as a result of several complaints by members of Pushpanjali Residents Welfare Association, Bijwasan regarding high noise levels adjacent to IGI airport. It is stated that installation of sound barrier was, in fact, one of their suggestions and they will be very much justified in seeking a copy of the IIT study report to see if such installation is feasible, their effectivity in reducing noise levels and to ascertain if any additional noise mitigation measures are also required.
- b) It has further been stated that the appellant is not interested in designing, producing or marketing such sound barriers and his interest is restricted only to the follow up action regarding engineering solutions proposed by IIT Delhi. As such, no commercial interests are involved.

Section 8(d) of RTI Act provides an exemption from disclosure of such information which includes commercial confidence and disclosure of which would harm the competitive position of a third party. However, if the competent authority is satisfied

that larger public interest warrants the disclosure of such information, protection of this section is not available.

Having heard the assertions made by Sh. Vivek Mahna during personal interaction and having perused his written statement dated 23-4-2013 I am of the considered view that the applicant is not interested in utilizing the information generated through IIT study report in any commercial manner. His interest is limited only to ensuring reducing of the noise levels in an area adjacent to IGI airport where he resides. As informed by him, it is not his individual concern but that of the members of Pushpanjali Residents Welfare Association, Bijwasan. In my view, it is a sufficient ground to conclude that larger public interest warrants the disclosure of this information.

With the above in view, it is decided that the information sought by Sh. Vivek Mahna be made available to him by PIO, IIT Delhi after procuring the same from the custodian of the concerned information.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

PIO

Copy to

Sh. Vivek Mahna,
President,
Pushpanjali Residents Welfare Association
A-8, Pushpanjali Farms
Bijwasan
New Delhi – 110 061

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
June 11, 2013

**In the matter related to appeal dated 15.05.2013 of Sh. Rajeev Kumar
under RTI Act 2005**

Whereas certain information related to the candidates who got admission in IITs/ISMU-Dhanbad based on the result of JEE 2012 viz. Candidate's Category, All India Rank in JEE 2012, Marks in XII standard, Name of the XII Standard Board, Year of passing XII standard, the institution and the program of study etc. was sought by appellant Sh. Rajeev Kumar vide his application dated 11-4-2013. The said information is available in the public domain of IIT Delhi as informed by the JEE Cell and appellant was informed accordingly by PIO vide No. IITD/RTI/2013/20/341 dated 6-5-2013.

Whereas the appellant has now preferred this appeal dated 15-5-2013 stating that the information sought by him is not available on the above site and holding the orders of CPIO to be misleading and deemed refusal to provide the information sought

I have discussed the issue with JEE Cell, custodian of the concerned information and it has been confirmed that the information related to JEE-2012 as compiled by it is available on the JEE web site. However, it has also informed that it may not necessarily be compiling the information with all details sought by the applicant. As such Sh. Rajeev Kumar is also advised to contact Sh. Lakh Raj, Jr. Supdt., JEE Cell for further clarification.

However, the information sought by the applicant which is not compiled cannot be made available since RTI Act does not entail the responsibility on the part of the custodian of the record to compile the information in the format and manner as desired by the appellant.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Rajeev Kumar,
B-250, IIT Campus
Kharagpur,
West Bengal – 721 302

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
July 9, 2013

**In the matter related to appeal dated 25.06.2013 of Ms. Pooja Kirti Joshi
under RTI Act 2005**

The appellant Ms. Pooja Kirti Joshi has vide her application dated 22-3-2013 sought a copy of Objective Response Sheet (ORS) of GATE 2009 (Pharmacy). Furnishing the reply to this application, PIO vide his letter dated 10-4-2013 informed that ORS for GATE examination are kept only for two years and hence the information cannot be provided since it does not exist.

Aggrieved, Ms. Pooja Joshi filed an appeal before PIO himself **(though it should have been filed with first appellate authority)** vide her letter dated 17-4-2013 seeking "a copy of the clause stating that GATE ORS are to be kept only for two years". Replying thereto vide his letter dated 1-5-2013, PIO made her available extracts of the minutes of the meeting of National Coordination Board (NCB) for GATE held at IISc Bangalore held on May 19, 2007.

The appellant made yet another appeal to PIO seeking the proof of the mode of procedure of weeding out of GATE 2009 ORS and the receipt/bill/challan copy of the dead stock in which GATE 2009 answer sheets were included. In response thereto, the PIO vide his letter dated 17-6-2013 has informed that the information sought is confidential and cannot be supplied.

The appellant has now preferred this appeal before the first appellate authority requesting for further investigation/scrutiny so that she can obtain the truth of her GATE 2009 (Pharmacy) result.

The issue has been discussed with the Chairman, GATE. It is informed that every document concerning the conduct of such competitive examination is highly confidential and that will include the details and manner in which the related record has been weeded out. With this in view, exemption from disclosure of this information has been claimed. I endorse the view point of the Chairman, GATE and hold that the information now sought by the appellant cannot be made available to her since it is exempt from disclosure under Section 8 (1) (d) of the RTI Act 2005..

It is notwithstanding the observation that this information was not sought initially and should have ideally been sought by way of an original application from PIO.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Ms. Pooja Kirti Joshi
A-68, Vishaknagar,
Isanpur, Ahmedabad – 382443

Copy to : PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
July 31, 2013

**In the matter related to appeal dated 09.07.2013 of Sh. Harshit Malik
under RTI Act 2005**

Whereas Sh. Harshit Malik has filed an application dated 23-06-2013 seeking some information under RTI Act which has been responded to by PIO, IIT Delhi vide e-mail dated 03-07--2013. Not satisfied with the information furnished by PIO, he has preferred this appeal dated 09-07-2013.

I have perused the related documents and it is seen that PIO has already furnished all **available** information. However, the appellant is now seeking certain clarifications and justifications behind the decision making process related to hiring of MSTC Ltd. **(a Mini Ratna Category-I PSU)** for the purpose of disposing of condemned stores in IIT Delhi. He seems to have an objection about hiring of MSTC Ltd. **(a Mini Ratna Category-I PSU)** rather than engaging a vendor through advertised tender or public auction. He has questioned the decision of IIT to dispose of condemned stores through a public sector undertaking under the administrative control of the Ministry of Steel, Govt. of India without any tenders in cases where the estimated value is more than Rs. 10 lakh and sought reasons behind this decision of IIT Delhi.

The provisions of RTI Act provide for seeking information available with the organization and is not a provision to seek justifications behind decision making or questioning the judiciousness of the decision making process.

With the above in view the quarries raised by the appellant by way of an information cannot be responded to and the appeal stands disposed off.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Harshit Malik
Sunrise Integrated Services Pvt. Ltd.
Shop No.1, CSC-3, Pocket H-17, DDA Market,
Sector – 7, Rohini
Delhi - 110085

Copy to : PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
August 1, 2013

**In the matter related to appeal dated 06.07.2013 of Sh. Piyush R. Pandey
under RTI Act 2005**

Whereas Sh. Piyush R. Pandey has filed an application dated 27.05.2013 seeking some information under RTI Act which has been furnished by PIO, IIT Delhi vide letter dated 13-06--2013. Not satisfied with the information furnished by PIO, he has preferred this appeal dated 06-07-2013.

I have perused the related documents and it is explicit that the desired information stands already furnished by PIO in detail. As such nothing additional required to be furnished and the appeal stands disposed off.

The appellant has attached an IPO No. 11F 121369 for Rs.10/- with his appeal which was not required as per provisions of RTI Act. This IPO be also returned to the appellant attached to this reply.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Piyush R. Pandey
Sector 16, House No. 157
Vasundhara
Ghaziabad
Uttar Pradesh – 201 012

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
August 1, 2013

**In the matter related to appeal dated 16.07.2013 of Sh. Rajeev Kumar
under RTI Act 2005**

Whereas certain information related to the candidates who got admission in IITs/ISMU-Dhanbad based on the result of JEE 2012 viz. Candidate's Category, All India Rank in JEE 2012, Marks in XII standard, Name of the XII Standard Board, Year of passing XII standard, the institution and the program of study etc. was sought by appellant Sh. Rajeev Kumar vide his application dated 11-4-2013. The said information is available in the public domain of IIT Delhi as informed by the JEE Cell and appellant was informed accordingly by PIO vide No. IITD/RTI/2013/20/341 dated 6-5-2013.

Not satisfied with the information provided, the appellant preferred the first appeal dated 15-5-2013 which was responded to vide letter dated 12-6-2013. It was informed that the information sought for is available on the JEE web site of IIT Delhi. He was further advised to contact Sh. Lekh Raj, Jr. Supdt., JEE Cell for further clarification. PIO spoke to him personally to provide him the mobile number of Sh. Lekh Raj.

The appellant has now submitted another appeal vide e-mail dated 16-7-2013 stating that though a CD has been made available by Sh. Lekh Raj, it does not contain the information i.e. following details of each of the candidates offered admission in IITs/ISMU Dhanbad for JEE 2012:

1. Candidate's Category
2. All India Rank in JEE 2012
3. Marks in XII Standard
4. Name of the XII Standard Board
5. Year of passing XII Standard
6. The institution and the program of study in which the candidate was offered admission
7. If the candidate is currently studying in IITs/ISMU, provide the institution and the program of study

The provisions of RTI Act provide for furnishing information in the form available with the organization and does not entail the responsibility of furnishing it in the specific format prescribed by the appellant. As such this second appeal, which should ideally have been made to Central Information Commission sans merit and is disposed off accordingly.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Rajeev Kumar,
B-250, IIT Campus
Kharagpur, West Bengal – 721 302

Copy to : PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 5, 2013

Shri Nitesh Kumar Tripathi has preferred complaints before Central Information Commission that he has not received any reply from Central Public Information Officer to many RTI – applications filed by him. CIC vide orders dated 22nd August, 2013 has observed that since the applicant has not availed the opportunity of filing an appeal before the first appellate authority, the later may inquire into the allegations after giving him an opportunity of hearing and pass an appropriate order. Liberty has also been given to the applicant to approach the CIC again in case he is not satisfied with the orders of first appellate authority.

I have perused the related record as also discussed the matter with CPIO and it is seen that the information sought by the applicant has already been furnished vide letters No. IITD/RTI/2012/41/437 dated 06.08.2012, No. 29/401 dated 29th May, 2012, No. 39/441 dated 06-06-2012, No. 28/402 dated 29-05-2012, No. 26/404 dated 29-05-2012, No. 27/400 dated 29-05-2012, No. 40/403 dated 29-05-2012, No. 38/440 dated 6-06-2012, No. 42/439 dated 6-06-2012. It has also been informed by him that he tried to contact Sh. Nitesh Kumar Tripathi on his mobile (No. 9208235851) several times but there was no response. I also tried to contact him on the same mobile number but there is no response.

Subsequently I have received a call from Dr. Nitesh Kumar Tripathi from Cell No. 9868612084 inquiring about the missed call on his earlier mobile number. It was informed that the information has already been dispatched to his address – Room No. 159 (O), Brahmputra Hostel, JNU, New Delhi – 110067. He informed that he has already left this address and shifted to Etawah and as such could not receive the letters from IIT Delhi. He has desired to resend a copy of earlier letters to his new address – **Dr. Nitesh Kumar Tripathi, Room No. 101, Boys Hostel, RIMS & R Saifai, Etawah, U.P. - 206301.**

It is directed that CPIO may furnish a copy of the information furnished earlier may be dispatched to his new address mentioned above.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

CPIO : A copy of this order be placed in the respective files.

Copy to :

Sh. Nitesh Kumar Tripathi,
Room No. 101,
Boys Hostel,
RIMS & R Saifai,
Etawah, U.P. _ 206301.

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 4, 2013

**In the matter related to appeal dated 16.08.2013 of Dr. S.S. Ghumman
under RTI Act 2005**

Whereas Sh. S.S. Ghumman has filed an application dated 11.04.2013 seeking some information under RTI Act which has been furnished by PIO, IIT Delhi vide letter dated 21-05--2013. Not satisfied with the information furnished by PIO, he has preferred this appeal dated 16-8-2013.

I have perused the related record and it is seen that all the information except the one sought at Sr. No. 3 of the application has already been furnished by CPIO which is duly acknowledged by the applicant. However, while furnishing the information with respect to Sr. No. 3, the CPIO has replied that the desired information i.e. copy of the mark sheet of BE of Dr. Sunil Pandey, a faculty in the Mech. Engg. Dept. of IIT Delhi is not available in the record. The said reply of the CPIO is based on the reply of custodian of the record i.e. Est. Section I.

I have discussed the matter with Sh. Mukesh, Supdt., Estt. I, who has confirmed that this information is not available in the record. He states that it was not mandatory to annex a copy of such certificate while applying for the post of Assistant Professor in IIT Delhi.

With the above in view, the appeal submitted by Sh. S.S. Ghumman is disposed off observing that the information sought by him cannot be furnished being not available.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. S.S. Ghumman
House No. 3329, Sector – 71
Sahebzada Ajit Singh Nagar
Mohali, Punjab – 160 071

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 9, 2013

**In the matter related to appeal dated 31.08.2013 of Sh. Bhavesh Kumar
under RTI Act 2005**

Whereas Sh. Bhavesh Kumar has sought some information vide application dated 08-08-2013. The information has been denied by PIO vide letter No. IITD/RTI/2013/138/636 dated 26th August, 2013 quoting the provisions of Section 8 (e) **(fiduciary nature of information)** and Section 11 **(third party information)** of RTI Act.

Aggrieved the applicant Sh. Bhavesh Kumar has preferred this appeal dated 31-8-2013. It has been stated that Hon. Information Commissioner Sh. M.L. Sharma vide Order No. CIC/RM/A/2012/000038/LS dated 03-06-2013 has already decided that wife cannot be treated as a third party in the strict sense of the term, so long as the marriage subsists. However, since a copy of the order has not been made available and without knowing the context in which this ruling was given, I would refrain from making any observation on this issue especially when the second ground of refusal to provide information i.e. fiduciary nature of information survives.

The custodian of the concerned record Prof. K.S. Rao, Chairman, GATE, IIT Delhi has rightly refused to part with this information holding it to be fiduciary in nature. No larger public interest warrants the disclosure of this information.

With the above in view the information sought for by Sh. Bhavesh Kumar is denied being exempted from disclosure under the provisions contained in Section 8 (e) of RTI Act.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Bhavesh Kumar
452 – 4, HKBN House
6th Cross, Rama Temple Down
Anna Sandra Palya
Bangalore – 560 017

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 17, 2013

**In the matter related to appeal dated 09.09.2013 of Sh. Manoj K. Kamra
under RTI Act 2005**

Whereas Sh. Manoj K. Kamra has sought some information vide application dated 08-07-2013. which has been furnished by PIO, IIT Delhi vide letter dated 08-08--2013. Not satisfied by the information furnished by the P.I.O with respect to query at sr.no.2 of his application, he has preferred this appeal dated 09-09--2013.

I have perused related document. It is seen that applicant has vide this query sought merit list with note sheets prepared and related documents showing complete breakup of weightage given for admission. The information has been furnished by PIO at Annexure II. However, Annexure II are the minutes of the meeting of Departmental Research Committee of Dept. of Elect. Eng. This annexure does not contain the information sought by the applicant.

It is therefore directed that the applicant should be made available the correct information as sought by him by 26-9-2013.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

PIO

Copy to :

Sh. Manoj K. Kamra
7B37, Near Church
JNV Nagar
Bikaner
Rajasthan

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 17, 2013

**In the matter related to appeal dated 06.09.2013 of Sh. Sadanand Paul
under RTI Act 2005**

The applicant Sh. Sadanand Paul has vide his application dated 31-7-2013 informed that he has earlier forwarded a formula/process to find prime numbers of big numbers to Head, Dept. of Mathematics, IIT Delhi and sought view/endorsement of the Dept. Aggrieved since he did not get any response of Head, Dept. of Mathematics Depts., he has preferred this appeal.

Right to Information Act is not a provision to validate the findings of some research or to seek any expert opinion on an issue. As such the information sought by the applicant does not fall in the purview of Right to Information Act and hence cannot be furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Sadanand Paul
Village & Post – Navabganj
Manihari
Jila Katihar
Bihar

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 20, 2013

**In the matter related to appeal dated 05.09.2013 of Sh. Manoj K. Kamra
under RTI Act 2005**

Whereas Sh. Manoj K. Kamra has sought some information vide application dated 11-07-2013. which has been furnished by PIO, IIT Delhi vide letter No. IITD/RTI/2013/103/591 dated 08-08--2013. Not satisfied by the information furnished by the P.I.O , he has preferred this appeal dated 05-09--2013.

I have perused the relevant record and it is seen that the applicant has sought information related to candidates admitted in Ph.D. ,Elect. Eng. during the year 2010, whereas the information has been furnished for a different year. The applicant has now specifically pointed out that name of Mr.Ujjawal Kalla who got selected during this year is missing from the information furnished .

It is therefore directed that the applicant may be made available the correct information as sought by him by 30-9-2013.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

PIO

Copy to :

Sh. Manoj K. Kamra
7B37, Near Church
JNV Nagar
Bikaner
Rajasthan

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
September 20, 2013

**In the matter related to appeal dated 04.09.2013 of Sh. Manoj K. Kamra
under RTI Act 2005**

Whereas Sh. Manoj K. Kamra has sought some information vide application dated 9-07-2013. which has been furnished by PIO, IIT Delhi vide letter No. IITD/RTI/2013/106/576 dated 01-08--2013. Not satisfied by the information furnished by the P.I.O with respect to query at serial no. 2 of his application, he has preferred this appeal dated 04-09--2013.

I have perused the relevant record and it is seen that the applicant has vide this query sought "copy of rulings pertaining to getting cross-examined their employment independently by the institute". Replying thereto, Coordinator, QIP/CEP, the custodian of the record, has informed that documents of all the candidates are examined and verified with parent institute, if necessary. The applicant has now sought a photocopy of the rulings permitting such discretion to IIT to examine (if necessary) or not examine (if not necessary) such record.

It is directed that the applicant may be made available the information as sought by him vide this appeal.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

PIO

Copy to :

Sh. Manoj K. Kamra
7B37, Near Church
JNV Nagar
Bikaner
Rajasthan

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
October 10, 2013

**In the matter related to appeal dated 27.09.2013 of Sh. A.K. Mathur
under RTI Act 2005**

Whereas Sh. A.K. Mathur has filed an application dated 26-08-2013 under RTI seeking certain information related to JAB meeting held to discuss examination pattern for JEE Main-2014. The Chairman of JEE Cell, IIT Delhi informed that this information is available with IIT Kharagpur and CBSE and as such the application was transferred to IIT Kharagpur and CBSE by PIO vide his letter No. IITD/RTI/2013/153/661 dated 5th September, 2013. PIO of CBSE has vide letter No. CBSE/RTI-245/2013 dated 16-09-2013 informed the applicant that no meeting of JAB to determine the entrance examination policy of JEE Main-2014 has yet been held and as such photocopy of the minutes of any such meeting cannot be made available. It was further informed that the information related to normalization of board marks and changes, if any, being considered for JEE Main-2014 examination as was done in 2013 also cannot be made available since the meeting has yet not been held. PIO, IIT Kharagpur vide his letter No. IIT/RTI/030913 dated 13th September, 2013 informed the applicant that the issue regarding criteria of 20 percentile for eligibility for admission to IIT's based on JEE Advance exams is still under consideration.

However, not satisfied with the information furnished by IIT Kharagpur and CBSE, Sh. A.K. Mathur has preferred this appeal dated 16-09-2013. I have perused the original application and the information already made available by PIOs of IIT Kharagpur and CBSE. It is observed that information sought has already been furnished and nothing more is left to be provided. As such the appeal is disposed off observing that since the information sought has already been furnished, no further information is required to be made available.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. A.K. Mathur,
100-B/1, Mahatma Gandhi Marg
Opposite Avas Vikas Office
Lucknow – 226 001

Copy to :

1. PIO, IIT Delhi
2. PIO,
CBSE Headquarters,
2, Community Centre,
Preet Vihar,
Delhi – 110 092
With reference to his letter No.
CBSE/RTI-245/2013 dated 16-09-
2013
3. PIO
Indian Institute of Technology
Kharagpur – 721 302
With reference to his letter No.
IIT/RTI/030913 dated 13th
September, 2013

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
October 10, 2013

**In the matter related to appeal dated 30.09.2013 of Sh. Ranbir Singh
under RTI Act 2005**

Whereas Sh. Ranbir Singh has sought some information vide application dated 14-08-2013. I have analyzed the information being sought and it seems that it is related to certain orders of court in Civil suit no. 175/82. He has also sought a copy of some orders dated 7-4-1982 blocking the rasta/gali no. 31 in village Jia Sarai as also a copy of the order by which the water supply to this house was disconnected. He also seeks a copy of the order vide which civil court has permitted IIT Delhi to construct a wall by force despite stay from the Court of by Civil Judge, Tiz Hazari Court.

PIO sought this information from the custodian of the concerned record i.e. Engineering Section of IIT Delhi and it has been informed that no such information is available. Aggrieved Sh. Ranbir Singh has filed this appeal dated 30-9-2013 providing some further details about civil suit No. 175/82 stated to have been filed by Sh. Mahand Khokhar against IIT Delhi.

I have again inquired personally from the concerned section i.e. Engineering Cell and it has been confirmed that no record pertaining to this civil suit is available in the Section. As such the appeal is disposed off holding that the information sought cannot be furnished since it is not available.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Ranbir Singh,
Flying Officer (Retd.)
H.No. 31,
Jia Sarai
New Delhi - 110016

Copy to :
PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
October 23, 2013

**In the matter related to appeal dated 30.09.2013 of Ms. Shakuntla Mehta
under RTI Act 2005**

The applicant Smt. Shakuntla Mehta has vide her application dated 14-9-2013 sought following information from the Public Information Officer of IIT Delhi :

- a) Attested copies of house allotment letters in respect of all occupants in IIT Delhi Campus.
- b) Attested copies of house possession letters in respect of all occupants in IIT Delhi Campus.
- c) The data of appointment of all employees who are occupants of residential accommodation in IIT Delhi Campus.
- d) Attested copies of written intimation given by all such employees regarding their spouses working with Central Govt./State Govt./local bodies etc.

Replying to this letter the Public Information Officer has denied the information quoting the provisions of Section 8(i)(e) of RTI Act, 2005 observing that the disclosure of this information would endanger the life and safety of concerned persons. Aggrieved Ms. Shakuntla Mehta has preferred this appeal dated 30.09.2013 challenging the ground of refusal of information by PIO, IIT Delhi. I have perused the relevant documents and it is observed that the grounds of rejection of the information offered by PIO, IIT Delhi are not tenable. Furnishing of the information sought is not likely to endanger the life or physical safety of concerned individuals.

I have also discussed the matter with custodian of the related information and it is observed that this information will have to be compiled from at least following sections :

- a) Estt.I (E-I) Section which handles the matter related to establishment of teaching staff.
- b) Estt.II Section (E-II) which handles the matter related to establishment of non teaching staff.
- c) Students Affairs Section (SAS) which handles the matter related to establishment of BHM staff.
- d) Works Section which handles the matter related to establishment of work charged staff.
- e) Estate Division which handles issues related to house allotment.
- f) Estate & Works Section which is in possession of record related to vacant houses, houses under repair, houses vacated recently etc.

It is further seen that as on date there are more than 1300 quarters in IIT Campus and the information will have to be compiled in respect of all these quarters.

It would thus be logical to infer that compilation of the information from various sections and getting photocopies of the same for attestation (as required by the applicant) would divert disproportionately the already scarce manpower resources of the institute.

I have also discussed the likely quantum of work that would be involved in compiling this information. It will entail retrieving, photocopying and attesting of approximately 8000 pages from approximately 1300 files. Besides the photocopying charges @ Rs.2/- per page i.e. Rs. 16,000, it would also necessitate engaging of at least two man days through outsourcing by each of the above referred sections which will cost an additional cost of app. Rs.6,000/-. As such the appellant will be required to pay a fee of Rs.22000/-.

Though the applicant is not required to quote reasons for seeking the information (clause 6 (2) refers), the applicant has indicated the purpose behind seeking this information i.e. to ascertain whether any illegal or undue financial benefits are being drawn by any of the employees of IIT Delhi. Most probably, the applicant desires to procure this information in respect of some particular employee(s) in respect of whom she has doubts that the spouse (working with Central or State Govt.) is drawing house rent allowance from the Govt. It therefore appears to be appropriate to request the applicant to quote specific names of such employee(s) so that the compilation of relevant information is facilitated. However, in case the applicant is not comfortable parting with some particular names, she may quote the group of the employee(s) concerned i.e. BHM staff, medical staff, Supdts., ARs, DRs etc. so that the compilation of the relevant information is facilitated.

As such the appellant is requested to make the information being sought little more specific so as to facilitate the compiling of the same.

However, in case the appellant is not willing to comply with the above observations, she is requested to visit the institute personally or through her representative for inspection of the said documents. The concerned sections i.e. Dy. Registrar (Est.I), Asst. Registrar (Est.II), Asst. Registrar (SAS), Estate Officer and Institute Engineer will be instructed to spend at least half day each with the appellant and get the concerned record inspected. PIO is hereby advised to tie up the above arrangement in consultation with the appellant and concerned section incharges.

However, in case the appellant is keen on seeking the information in the nature originally sought, she is requested to deposit the fees i.e. Rs.22,000/- and in that eventuality PIO is directed to make available the information within 30 days of the receipt of the fees.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Smt. Shakuntla Mehta
129-E, Pocket – IV
Mayur Vihar Phase-I
Delhi - 110091

Copy to :

PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
November 11, 2013

**In the matter related to appeal dated 11.10.2013 of Sh. Manoj K. Kamra
under RTI Act 2005**

Whereas Sh. Manoj K. Kamra has sought some information vide application dated 03-09-2013 which has been furnished by PIO vide his letter No. IITD/RTI/2013/16 dated 26th Sept., 2013. The appellant Sh. Manoj K. Kamra has now preferred this appeal alleging that RTI Cell is hiding information about removal of GATE 2012 result from web site.

I have perused the information furnished earlier by Chairman, JAM, IIT Delhi and it is explicitly stating that the GATE 2012 result was uploaded on March 15, 2012 and was available on the web site for a long time. It is further explicit in stating that the web site is updated only when it is required for next GATE examination. It is apparent that the actual date of removal of GATE 2012 result is not available with JAM office.

It is further seen from the annexures to the appeal preferred by the appellant that JAM office has earlier confirmed to the police authorities in Bikaner that Sh. Manoj K. Kamra has actually qualified GATE 2012 exam. As such the observations of Sh. Manoj K. Kamra that RTI Cell is hiding the information about removal of GATE 2012 result from web site is not understood.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Manoj K. Kamra,
2837, Near Church
JNV Nagar
Bikaner, Rajasthan

Copy to :
PIO

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
November 11, 2013

**In the matter related to appeal dated 09.10.2013 of Sh. Nagendra Kumar
under RTI Act 2005**

Whereas Sh. Nagendra Kumar has vide application dated 03-08-2013 sought some information about those faculty members who joined IIT Delhi before January, 2004 in the **then existing ex-cadre position of Lecturer**. The PIO has vide his letter No. IITD/RTI/2013/139/651 dated 30th August, 2013 informed that ex-cadre position of Lecturer does not exist in IIT Delhi. This information was based on inputs by the custodian section of the concerned information i.e. Estt. I.

Sh. Nagendra Kumar has vide his appeal dated 9-10-2013 elaborated that his question : "pertains to the period following the implementation of fifth pay commission recommended and the implementation of the recommendations of sixth pay commission when lecturer as an ex-cadres was provided by the Government"

I have discussed this issue again with Sh. Mukesh Chand, Supdt., Estt.I and it is informed that ex-cadres position of Lecturer was never provided by the Govt. in IIT Delhi. As such the desired information cannot be furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Nagendra kumar
Associate Professor
Department of Humanities and Social Sciences
Institute of Technology Roorkee
Roorkee – 247 667
Uttarakhan

Copy to :

PIO

D.R. (E-I)

**OFFICE OF THE APPELLATE AUTHORITY
(UNDER RTI ACT 2005)
IIT : DELHI**

No. IITD/R/AA/13/
December 6, 2013

**In the matter related to appeal dated 17.10.2013 of Sh. Sanjay Kumar
under RTI Act 2005**

Whereas Sh. Sanjay Kumar has vide application dated 17-09-2013 to the PIO, IIT, Delhi sought some information. The said information has been furnished by PIO vide his letter No. IITD/RTI/2013/180/793 dated 15th October, 2013. Not satisfied with the information furnished by the PIO, the appellant has now submitted this appeal dated 17-10-2013. He has sought following specific information vide this appeal :

- a) "Question 1 - Date in the month of March and April
- b) Question No.2 - In the month of March and April
- c) Question No. 3 - "
- d) Question (4) - Copy of Notice"

The information sought at question no. 1 of his original application was a copy of application form for registration as a candidate for Ph.D. and the same has been furnished by PIO as Annexure I to his reply. Expressing dissatisfaction, the appellant simply wants following additional information in respect of this query "**Date in the month of March and April**". Nothing can be made out from this query about the additional information sought by the appellant and as such it can not be furnished.

Likewise in respect of question at serial no. 2 & 3 of the original application, , the appellant has made similar queries vide his appeal i.e. "**In the month of March and April**". Nothing can be made out from this query about the additional information sought and as such it can not be furnished.

Vide question at serial no. 4 of his original application, the appellant has sought a copy of the notice to Mr. Sanjay Kumar that "**he has to be failed in the first attempted**". Apparently there cannot be a notification or notice issued to a candidate that "he has to be failed in the first attempted". However, the PIO has understood this query in his own wisdom and made available a copy of the minutes of CRDT dated 20th June, 2013 whereby SRC has opined that the candidature of Mr. Sanjay Kumar be terminated. It should serve the desired purpose. With the above in view, no further information on this issue can be furnished.

(Dr. Rakesh Kumar)
Registrar & Appellate Authority

Sh. Sanjay Kumar
SD – II Girnar Hostel,
IIT Delhi

Copy to :

PIO

