



The State Information Commission, Kerala
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Present:

1. Palat Mohandas, Chief Information Commissioner
2. P.N.Vijaya Kumar, State Information Commissioner

AP.No.74/2006/SIC

Shri.B.V.Kakkillaya,
President,
Karnataka Samithi(R),
Bank Road,
Kasaragod. 671 121.



Appellant

Vs

The Appellate Authority
and
Addl.Secretary (Recruitment),
Kerala Public Service Commission,
Pattom,
Thiruvananthapuram.



Respondent

ORDER

Shri.B.V.Kakkillaya is the President of Karnataka Samithi. He had made a request before the Secretary, Kerala Public Service Commission, seeking the following information regarding High School Assistant (English), Kannada Medium Education Department, Kasaragod.

To quote "kindly provide us the following information regarding candidates in the rank list number 303/2005/SS/3 for the post of High School Assistant, Kannada medium, in the Education Department. Further, the details requested are address of all candidates in the main list and supplementary list. Their mother tongue, their medium of instruction in High School education,

place of birth, place where the candidate have their primary, High School and College Education. Whether the candidates have any certificate regarding their ability to teach Kannada language etc. The SPIO, Kerala Public Service commission had rejected the request under Section 8(1) (j) and 8(1)(e) of the RTI Act on 7.11.2006, i.e., well within the time limit. An appeal was preferred before the Appellate Authority which was also rejected under the same grounds.

A report of the Appellate Authority was called for. In the said report, the appellate authority had stated the grounds under which the PIO and the Appellate Authority had rejected the request of the appellant. The contentions of the appellant was held as fallacious and untenable. Further it was submitted that the place of birth of candidates, their place of educations and such other details cannot be given and cannot be ascertained by the Kerala Public Service Commission. The interviews are conduct4d by a duly selected interview board. And all practical difficulties were enumerated and illustrated in the written statement.

The only question now before this Commission is that whether the appeal can be allowed or not?

The appellant and the Appellate authority were summoned for a personal hearing. The Appellant was represented by an Advocate Shri.Vittal.M. The Appellate Authority, Shri.P.Vijayan, Additional Secretary (Recruitment) did not appear in person but caused filing of an argument note. The argument note of the Appellate Authority was scrutinized and the lengthy argument of the Advocate of the Appellant was also heard. The Rank list for Kannada teachers was a published document. Their marks are also published. The selected list of the candidates were the net result of a written test and of an interview. The information sought for was in the form of a questionnaire. It was an attempt to extract personal information of the candidates selected as Kannada teachers. The further information sought for were their place of birth, their colloquial dialect, their places of education, their proficiency in Kannada etc., In other words, it was an attempt on the part of the requester to elicit information whether they belong to the Kannada speaking territory in Kerala State or not. The Advocate was trying to impress the Commission that only teachers who were proficient in Kannada speaking area only were fit for the post and, those, who hailed from the Kannada speaking area alone could perform beautifully well in Kannada teaching. The Commission noted his arguments and views.

The Public Service Commission is entrusted with the selection of candidates to each category of personnel for the Government and other agencies, entrusted to it. It executes the policies of the Government in matters relating to personnel, beginning with their recruitment. Any external interference and/or any irregularity in the process of selection of candidates, cannot be attributed without cogent and valid reasons. The information sought was also third party information and personal information. The arguments of the appellant, in that sense, appeared to be facile. There is also clear invasion on the privacy of all the candidates, who had figured in the rank list. Above all, the Commission could not see any public interest behind the

request. Therefore, the rejection of the information sought for by the Appellant was found justifiable and, was well within the spirit and ambit of Section 8(1) (e) and (j) of the RTI Act.

The Appellate Authority though absent presented an argument note and cited a decision of this Commission in AP No.49/2007/SIC. This Commission is bound to uphold its own decision and there was no reason to over rule the earlier decision of this Commission.

Hence the appeal is dismissed.

Dated this the 12th day of April, 2007.

Sd/-

Palat Mohandas,
Chief Information Commissioner

Sd/-

P.N.Vijaya Kumar,
State Information Commissioner