

RTI MATTER
IMPORTANT SUPREME COURT DECISION

F.No.A-60011/01/2013-RTI Cell (Admn.)
UNION PUBLIC SERVICE COMMISSION
(RTI CELL – ADMN.)

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Dated the 10th Janaury, 2013

C I R C U L A R

Subject : Judgement dated 13/12/2012 of Hon'ble Supereme Court of India in Civil Appeal No.9052 of 2012 (Arising out of SLP(C) No.20217 of 2011), filed by Bihar Public Service Commission v/s Saiyed Hussain Abbas Rizwi & Anr. regarding disclosure of **the names, designation and addresses of the subject expert present in the Interview Board** under RTI Act.

The facts and background of the case is that The Bihar Public Service Commission published an advertisement to fill up certain posts for, Government of Bihar, Patna. The advertisement, inter alia, stated that written examination would be held if adequate numbers of applications were received. As very limited number of applications were received. The Commission, in terms of the advertisement decided against the holding of written examination. It exercised the option to select the candidates for appointment to the said post on the basis of viva voce test alone. The Commission completed the process of selection and recommended the panel of selected candidates to the State of Bihar.

(ii) One Saiyed Hussain Abbas Rizwi filed an application before the BPSC under RTI Act, seeking information in relation to providing the names, designation and addresses of the subject expert present in the Interview Board. The BPSC did not supply the information by invoking provisions of Section 8 (1) (g) of RTI Act. The Respondent filed an appeal before the State Information Commission, who directed the BPSC to make available the names, designation and addresses of the subject expert present in the Interview Board.

(iii) Aggrieved from the order of State Information Commission, BPSC challenged the same before the High Court (**Single Bench**) Patna, who dismissed the writ petition. Feeling aggrieved, BPSC challenged the **Single Bench** judgement before the **Division Bench** of Patna High Court. The **Division Bench** took the view that the provision of Section 8 of RTI Act are not attracted and directed the BPSC to provide the names of the members of the Interview Board.

(iv) The BPSC challenged the legality and correctness of said judgement and filed the appeal before the **Hon'ble Supreme Court**. The **Hon'ble Supreme Court** held that "The disclosure of names and addresses of the members of the Interview Board would ex facie endanger their lives or physical safety. The possibility of a failed candidate attempting to take revenge from such persons cannot be ruled out. On the one hand, it is likely to expose the members of the Interview Board to harm and, on the other, such disclosure would serve no fruitful much less any public purpose. Furthermore, the view of the High Court in the judgment under appeal that element of bias can be traced and would be crystallized only if the names and addresses of the examiners/interviewers are furnished is without any substance."

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2. *The Hon'ble Supreme Court set aside the judgment of the Division Bench of the Patna High Court and held that the Bihar Public Service Commission is not bound to disclose the names, designation and addresses of the subject expert present in the Interview Board.*

3 All the CPIOs/Appellate Authorities are requested to bring the contents of the above judgment to the notice of all concerned for information and guidance.

(Rajiv Srivastava)
Joint Secretary (A&RTI)