



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).444/2019
Complainant/ appellant : Shri Jitumani Kalita
Respondent : SPIO of the office of the Assam Public Service Commission
Date of hearing : 2.8.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
2.8.2019

1. The petitioner/appellant Shri Jitumani Kalita is present. The public authority, i.e. Assam Public Service Commission (APSC) is represented by their SPIO and Under Secretary, Shri Naba Kr. Das accompanied by Shri Bhaba Ch. Das, Jr. AA of APSC. The second appeal petition dated 11.1.2019 is taken up for hearing in presence of both the parties.
2. The gist of the second appeal case is that the petitioner Shri Jitumani Kalita filed an RTI petition dated 3.10.2018 before the PIO of APSC seeking names and roll nos of the candidates selected against Sl. No. 19, 36 and 53 published in the results notification dated 3.10.2018 bearing notification no. 248-PSC/PS-15/2017-2018 for the post of Veterinary Officer, etc. under A.H. & Vety Department as per advertisement no. 01/2018. This was followed by first appeal petition dated 8.11.2018 and second appeal petition dated 11.1.2019. It is seen from the case records that vide letter dated 26th November, 2018 the petitioner was informed that the information sought for by him could not be furnished as the matter was sub judice in the Hon'ble Gauhati High Court. Vide letter dated 29th November, 2018 the SPIO reiterated the above position to the RTI applicant in response to his first appeal petition dated 8.11.2018.
3. The SPIO of APSC submitted a detailed written statement dated 31st July, 2019 enclosing copies of relevant orders dated 14.9.2018, 15.9.2018 and 26.9.2018 in WP(C) No. 6314/2018, WP(C) No. 6397/2018 and WP(C) No. 6650/2018 respectively. All the three orders were interim orders directing that the petitioners be provisionally permitted to participate in the selection process for the posts mentioned above. The interim orders made it clear that their participation would be subject to the outcome of the writ petitions.
4. It is seen from the averments made in the WS submitted by the SPIO of APSC that candidature of a few candidates for the above mentioned posts were rejected by the Commission on the ground of overage. The aggrieved candidates approached the Hon'ble Gauhati High Court and the Hon'ble Gauhati High court passed interim orders as mentioned above.
5. From the aforesaid it appears that in terms of Hon'b;e High Court's order participation of the candidature of sl. Nos, 19, 36 and 53 of the select list were provisional. Logically, therefore, their results are also provisional. Since the provisional

candidatures are subject to the outcome of the pending writ petitions. Therefore, even if they come out successful in the selection test, there can be no question of their appointment during the pendency of the said writ petitions. However, this should not act as a bar to the disclosure of their roll nos. and names as sought for by the RTI petition, because such disclosure do not seem to fall within the ambit of section 8(1)(b) of the RTI Act, 2005.

6. The SPIO of Assam Public Service Commission is, therefore, directed to furnish the sought for information to the petitioner within 15 days from the date of receipt of this order.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.



Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).444/2019/

Dated. 2.8.2019

Copy to: 1. The SPIO of the office of the Assam Public Service Commission,
Khanapara, Guwahati-22 for information and necessary action.
2. Shri Jitumani Kalita, R/o Rajgarh Road, Bye Lane No. 2, House No. 45,
Dist. Kamrup (M), Assam, Guwahati-7 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book



Registrar i/c
Assam Information Commission