

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(C) No. 5070 of 2008**

Jharkhand Public Service Commission, Circular Road,
Ranch, P.S. Lalpur, District-Ranchi, through its Public
Information Officer Sri Sanjeet Samrendra Lakra son of
Sri. Lal Mani Lakra, resident of Road No.1, Kumhar
Toli, P.S. Lalpur, District-Ranchi.

..... Petitioner (s)

Versus

1. The State of Jharkhand.
2. Jharkhand State Information Commission, through
its under Secretary, Engineering Hostel No.1, H.E.C.
Campus, Dhurwa, Ranchi.
3. Sri Sanjay Kumar son of not known to the petitioner,
c/o Prof. Surendra Prasad, 15, Saket Colony, Bal
Vihar Green, Sonari, P.S. Sonari, Jamshedpur,
District-Singbhum East.

..... Respondent(s)**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. Abhay Prakash, Adv

For the Respondent(s) : Mr. Munna Lal Yadav, S.C. (L&C)-III

C.A.V. ON 12/01/2026**PRONOUNCED ON: 28/01/2026**

1. Heard learned counsel for the parties.
2. The instant application is directed against the order dated 13.08.2008 and 10.09.2008 passed by the Jharkhand State Information Commission in Appeal Case no. 614 of 2008. Being aggrieved from the above orders, the Petitioner-Jharkhand Public Service Commission (in short JPSC) has preferred the present writ petition praying *inter alia* to quash the above order dated 13.08.2008 and 10.09.2008 on the ground that the learned Jharkhand State Information Commission did not provided any

opportunity to the petitioner to file written statement while passing the order dated 13.08.2008 and has directed the petitioner to provide the information to respondent no. 3, without acknowledging the fact that for maintaining the confidentiality of the selection process of the Public Service Commission the information no. 2, 4, 5 and 6 could not have been provided.

3. Mr. Abhay Prakash, learned counsel appearing for the Petitioner-JPSC had made following submissions: -

(i) It has been contended that when the written statement was filed by the JPSC after the order dated 13.08.2008, the State Information Commission on complete non-application of the mind has passed the order dated 10.09.2008, issuing a Show Cause upon the PIO, JPSC as to why penalty should not be imposed upon him u/s 20(1) of the Right to Information Act, 2005.

(ii) Learned counsel had also argued that JPSC on the basis of the requisitions received from different Universities of Jharkhand for appointing the Lecturers of different subjects issued Advertisement no. 01/2007. The JPSC completed the recruitment process and final result was issued and consequent thereto, the recommendations were sent to the Universities on 14.01.2008.

It is only after the recruitment process was over, the

respondent no. 3 filed an application under Right to Information Act, 2005 before the PIO, JPSC, requesting to provide 6 (six) information as provided in Annexure-1 to the writ petition.

(iii) It has been also submitted that from perusal of the Annexure-1, it shows that the information is either in question form or related to third party information. Further, the information also relates to providing details of the member of selection committee i.e. experts who have given marks in the selection process.

(iv) As no information was provided to the respondent no. 3, he preferred statutory 'First Appeal' before the first Appellate Authority and thereafter 'Second Appeal' before the Jharkhand State Information Commission. The State Information Commission registered the same as Appeal no. 614 of 2008 and summon was issued to PIO, JPSC on 13.08.2008.

(v) It has been further submitted on behalf of the petitioner that the information, which could be provided to respondent no. 3 under the provision of the Act and the reasons for not providing other information was sent to the respondent no. 3, on 11.08.2008. The JPSC in terms of summon issued, appeared before the State Information Commission and filed an application stating the reasons as

to why the same could not be provided to respondent no. 3, mainly on the ground that the information sought relates to 3rd party information as details like address of all candidates who appeared in the interview, marks obtained by them, their education qualification and other information. The information sought by the respondent no. 3 does not involve any public interest and further the same cannot be provided to maintain confidentiality of the selection process. Accordingly, the petitioner requested for some time for filing written statement.

(vi) It is argued that the State Information Commission did not allow any time for filing written statement and straightway directed the PIO, JPSC to provide the rest of the information failing which appropriate action will be taken against the PIO vide order dated 13.08.2008, which is impugned herein.

(vii) He further contended that the petitioner-JPSC even though filed its written statement subsequently categorically stating and explaining the reasons of not providing the information, yet the same was completely omitted and without appreciating the facts and on complete non-application of mind, vide order dated 10.09.2008 (*impugned*) issued show cause to the PIO, JPSC as to why he should not be imposed a penalty under section 20(i) of

the RTI Act.

(viii) It has been contended that both orders impugned herein are fit to be quashed and set aside. The fact that State Information Commission in much haste without giving any time to file written statement and with a pre-determined mind, ordered to provide the information, which related to third party and also to disclose the details of the experts involved into the selection process, which on the face of it is bad in the eye of law.

Furthermore, only citing the reason that the information sought are not exempted under the provisions of section 8 & 9 of the RTI Act, does not entail that information could be provided even if the same is demanded for some ulterior motive or putting the examining bodies in danger. The observation of the State Information Commission that to maintain transparency in the appointment made by the JPSC and to prevent corruption in this respect, PIO should furnish the information, which are not exempted under the RTI Act, is also a fallacy in terms of the judgment passed by the Hon'ble Supreme Court in the case of '**Union Public Service Commission & Ors Vs Angesh Kumar & Ors**'¹.

4. Learned Counsel for the JPSC while referring to

¹ 2018(4) SCC 530

judgment passed by Hon'ble Supreme Court in the case of ***'Institute of Chartered Accountants of India vs. Shaunak H. Satya & Ors'***² argues the scope of the RTI Act's applicability to statutory bodies conducting competitive examinations. He emphasized that exemptions as provided under section 8(1)(d) and (e) of the Act, reinforced the imperative to protect the integrity and confidentiality of examination process, against indiscriminate information disclosure. He further, by referring to the judgment passed by Hon'ble Supreme Court in case of ***'Central Board of Secondary Education vs Aditya Bandopadhyay'***³, contended that section 8(1)(e) uses the word "information available to a person in his fiduciary relationship" suggest that the information which is given or taken in confidence, excepting confidentiality is to be maintained and as such the JPSC was right in refusing the information about the third parties.

5. Learned counsel further referring to judgment passed in ***'Union Public Service Commission & Ors vs. Angesh Kumar & Ors'***⁴ asserts that weighing the need or transparency and accountability on the one hand and requirement of optimum use of fiscal resources and

² 2011 (8) SCC 781

³ 2011(8) SCC 497

⁴ 2018(4) SCC 530

confidentiality of sensitive information on the other, the information sought with regards to marks in Civil Service Exam cannot be directed to be furnished mechanically. He thus suggests that the present writ petition may be allowed.

6. On the other hand, counsel appearing on behalf of the State of Jharkhand does not put any objection to the arguments as stated by the petitioner counsel. The counsel however submitted that many examinations as were conducted by the JPSC at that relevant time are being investigated by the CBI and in some cases chargesheet has been filed. He states that the present examination, which related to the appointment of Lecturer, has also been investigated by the CBI and chargesheet has been submitted before the concerned Court. It was thus submitted that if respondent no. 3 still requires the information, he can obtain the certified copy of the chargesheet from the concerned Court, which may consist all such information which he had demanded.

7. Heard learned counsels for the petitioner and the State. The main contesting party respondent no. 2 and 3, does not appear even after valid service of the notices. Further, no counter affidavit has also been filed on behalf of respondent no. 2 or 3 denying and disputing the averments made in the writ petition.

8. The issue as has been raised in the writ petition mainly relates to disclosure of information related to recruitment process being conducted by different agencies of government. The application seeking information by any public must fall within the provisions and ambit of the Right of Information Act, 2005. Herein, on perusal of the application being enclosed as Annexure-1, does shows that respondent no. 3, much harped over the information which either relate to third party information or lack the vitality of being seen for public interest. Based on above application of the respondent no. 3, the PIO, JPSC vide its letter no. 1166 dated 11.08.2008 did provide the reply to him, however, the same was provided only after when 2nd appeal was filed by the respondent no. 3 before the Jharkhand State Information Commission.

9. The above letter dated 11.08.2008 of the JPSC emphasized that the information which could be provided under the provisions of Right to Information Act, 2005, was provided except that information which needed to be protected for maintaining the confidentiality of the recruitment process by a Public Service Commission. Further, the third-party information as had been requested by the respondent no. 3 was rightly denied by the JPSC.

10. This Court finds that the aim of the Right to

Information Act, 2005 is to balance the competing needs for transparency and accountability with those for the efficient operation of the State and the preservation of confidentiality. The exemptions on fiduciary and personal information under section 8(1)(e) and (j) and the requirement regarding third party information as provided under section 11(1) are to be considered together; however, subject to axiom of public interest. Reference in this regard may be made to the judgment passed by the Hon'ble Supreme Court in '**Bihar Public Service Commission vs Saiyed Hussain Abbas Rizwi & Anr.**'⁵ For brevity, the same is extracted herein below:-

"22. The expression "public interest" has to be understood in its true connotation so as to give complete meaning to the relevant provisions of the Act. The expression "public interest" must be viewed in its strict sense with all its exceptions so as to justify denial, of a statutory exemption in terms of the Act. In its common parlance, the expression "public interest", like "public purpose", is not capable of any precise definition. It does have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs (State of Bihar v Kameshwar Singh). It also means the general welfare of the public that warrants recognition and protection; something in which the public as a whole has a stake [Black's Law Dictionary (8th edn.)]"

23. The satisfaction has to be arrived at by the authorities objectively and the consequence of such disclosure have to be weighed with regard to the circumstances of a given case. The decision has to be based on objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy or other factor stated in the provision. Certain matters, particularly in relation to appointment, are required to be dealt with great confidentiality. The information may come to knowledge of the authority as a result of disclosure by others who give that information in confidence and with complete faith, integrity and fidelity. Secrecy of such information shall be maintained, thus, bringing it within the ambit of fiduciary capacity. Similarly, there may be cases where the disclosure has no relationship

⁵ 2012 (13) SCC 61

to any public activity or interest or it may even cause unwarranted invasion of privacy of the individual. All these protections have to be given their due implementation as they spring from statutory exemptions. It is not a decision simpliciter between private interest and public interest. It is a matter where a constitutional protection is available to a person with regard to the right to privacy. Thus, the public interest has to be construed while keeping in mind the balance factor between right to privacy and right to information with the purpose sought to be achieved and the purpose that would be served in the larger public interest, particularly when both these rights emerge from the constitutional values under the Constitution of India.”

11. In the instant case, considering the application filed by the respondent no. 3, where six information were asked, which was duly replied by the JPSC vide letter no. 1166 dated 11.08.2008. The said letter clearly indicates that information no. 1 was provided, and the information at Sl. no. 2, 4, 5 related to third party and examining authorities has rightly refused by the JPSC as the disclosure of such information may cause unwarranted invasion of his/her privacy in terms of section 8(1)(j) of the RTI Act.

12. So far, information no. 3 was concerned; it was specified that if any ‘Expert’ conducting the interview, if, find that any ‘Research Scholar’ worked under him is also a candidate for interview then the same is to be avoided and intimated to JPSC, thus, the required information was provided.

13. So far, the information no. 6 is concerned, relating to providing a copy of the merit list could have been provided by the JPSC. The reasoning that the validity of merit list if for a year does not appear to be justified.

14. However, considering the fact that the respondent no. 3 having failed to put his appearance in the present case despite valid service of notice is not interested in contesting the present case. Moreover, as stated by the counsel for the State, the information asked by the respondent no. 3 was related to appointment of Lecturer by the JPSC, which was investigated by the CBI and the chargesheet has been submitted. The respondent no. 3, if aggrieved having not obtained the information can now obtain the certified copy from the concerned Court, which consist all information, which may interest the respondent no. 3.

15. Admittedly, the Jharkhand State Information Commission without allowing the PIO, JPSC to file the written statement in Appeal no. 614 of 2008, has passed the order dated 13.08.2008, directing it to provide the requisite information to respondent no. 3, which practically violate the principle of natural justice.

16. Furthermore, issuance of show cause under section 20(i) of the Act for penalizing the PIO, JPSC has been passed in haste without considering the reply filed by the petitioner JPSC. Both the above orders are perverse and unsustainable in the eye of law.

17. This Court finds that the law as held by the Hon'ble Supreme Court in '**UPSC vs Angesh Kumar**' (supra) that

while balancing the right to information, public interest including efficient working of the Government, optimum use of fiscal resources and preservation of confidentiality of sensitive information has to be balanced.

18. Having considered all views and facts stated above, the impugned orders deserves to be interfered. Accordingly, the order dated 13.08.2008 and 10.09.2008 passed by Jharkhand State Information Commission is quashed and set aside.

19. Consequently, the instant writ application stands allowed. Pending I.A.s, if any, also stands disposed of.

(Deepak Roshan, J.)

Dated:28 / 01/ 2026
Amardeep/
A.F.R

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30.01.2026