

ORDER

Subject : Appeal under Section 19(1) of Right to Information Act-2005 by Shri Vicky Kachhap – regarding.

Whereas Shri Vicky Kachhap vide his letter dated 28.05.2019 (received by this Department on 03.06.2019) has filed an Appeal under section 19(1) of the RTI Act-2005 with the First Appellate Authority & Deputy Secretary (Admn), Department of Revenue.

2. And whereas an Appeal has been raised on the contention that the applicant not satisfying with the reply of his RTI application.

3. The APPEAL of Shri Vicky Kachhap was considered in detail and it has been observed that the CPIO/Under Secretary (Ad.I A&B) vide letter dated 08.04.2019 has already replied that the information sought by the applicant was not available in the format asked by the applicant.

4. It is also reiterated that as per the CIC Judgement in the appeal No.CIC/SB/A/2016/001025/CBECE-BJ dated 03.03.2017, "*At the outset the Commission observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record.*"

5. Moreover, as per the CIC's decision dated 18th September 2013 and 19th July 2017, "*the caste and educational certificates of an employee are in the nature of personal information about a third party. The employee might have filed these documents before the appointing authority for the purpose of seeking employment, but that is not reason enough for this information to be brought in to the public domain to which anybody could have access. Apart from this, the appellant has not been able to demonstrate any public purpose which the disclosure of this information would serve. Hence, we concur with the submissions of the CPIO's representative that the information is exempt from disclosure.*"

However, the caste certificates of employees are in the nature of personal information about a third party. Hence, it may not be provided under the provision of section 8(1) (e) and (j) of RTI Act - 2005. Accordingly, the Appeal is disposed off, as CPIO's reply was found in order as per the provisions of RTI Act, 2005 and subsequent orders' of CIC.

6. The Appellant may prefer an appeal u/s 19 (3) of RTI Act, 2005 before the Central Information Commission, CIC Bhawan, Baba Gang Nath Marg, Munirka, New Delhi, Delhi 110067 against this order with 90 days, if he so desire.

Arvind Saran

(Arvind Saran)

Deputy Secretary to the Govt. of India / First Appellate Authority



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Revenue w.r.t.
/A/2019/6004

Case 2019/2019.

*Issued
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*On behalf
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*श्री जे. ए. सिंह
19/6*