



2026:CGHC:1819

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2759 of 2025

Order reserved on 06.01.2026.

Order delivered on 13.01.2026

Chhattisgarh Public Service Commission Through The Public Information Officer, Shankar Nagar, Raipur, Chhattisgarh.

--- Petitioner(s)

versus

1. Chhattisgarh State Information Commission Through Its State Information Commissioner, Raipur, Chhattisgarh.
2. Dr. Nareshkant Chandan Junior H.I.G. 07, Chhote Atramuda, Deendayalpuram, Phase 1, Raigarh, Chhattisgarh, 496001

--- Respondent(s)

WPC No. 2761 of 2025

Chhattisgarh Public Service Commission Through The Public Information Officer, Shankar Nagar, Raipur (C.G.)

---Petitioner(s)

Versus

1. Chhattisgarh State Information Commission Through Its State Information Commissioner, Raipur C.G.
2. Dr. Nareshkant Chandan, Junior H.I.G. 07, Chhote Atramuda, Deendayalpuram, Phase 1, Raigarh C.G. 496001

--- Respondent(s)

For Petitioner(s)	:	Mr. Anand Mohan Tiwari, Advocate
For Respondent(s)	:	Mr. Shyam Sunder Lal Tekchandani,
Respondent No.2	:	Dr. Nareshkant Chandan, in person.

Hon'ble Justice Shri Narendra Kumar Vyas

C A V Order

1. Since common question of law and facts are involved in both writ petitions, they are heard together and are being disposed of by this common order.

Writ Petition No. 2759 of 2025

2. Chhattisgarh Public Service Commission has filed this petition against the order dated 16.01.2025 passed by Chhattisgarh State Information Commission (hereinafter referred to Commission) by which S.A. bearing No. A/4396/2024/ Raigarh filed by the respondent No. 2 has been allowed and the Commission has directed the petitioner to provide information relating to the selected candidate Shailesh Kumar Patel regarding his 15 years of teaching or academic experience with grade pay of Rs. 7,000 or 8 years of experience of teaching or academic experience with grade pay of Rs. 8,000/-. The petitioner has also sought certified copy of the Ph.D degree of Shailendra Kumar Patel.

Writ Petition No. 2761 of 2025

3. Chhattisgarh Public Service Commission has filed this petition against the order dated 27.01.2025 passed by Chhattisgarh State Information Commission (hereinafter referred to Commission) by which S.A. bearing

No. A/3830/2023/ Raigarh filed by the respondent No. 2 has been allowed and the Commission has directed the petitioner to provide information relating to the selected candidate Shailesh Kumar Patel regarding his 15 years of teaching or academic experience with grade pay of Rs. 7,000 or 8 years of experience of teaching or academic experience with grade pay of Rs. 8,000/-. The petitioner has also sought certified copy of the Ph.D degree of Shailendra Kumar Patel.

4. Brief facts as reflected from the records of both the writ petitions in brief, are that

(a) Public Service Commission (hereinafter referred to PSC) has initiated selection process for appointment of Assistant Registrar in the University wherein Dr. Shailendra Patel was selected on the aforesaid post and the respondent No. 2 was wait list candidate. The PSC after finalizing the examination has forwarded the list of selected candidate to the appointing authority/ Secretary Higher Education Department for appointment. Thereafter, respondent No.2 moved an application on 19.04.2023 wherein he has sought following information which reads as under:-

छठगठ लुक सेवठ अठडुग दुरठर कुलसकठव, उकुक शठकुषठ हेतु कठरठ अंतठड कठडन डरठणठड कुरठडंक 600/12/कठडन/2021 रठडडुर दठनठंक 30.09.21 के अनुसर शुरठ शैलेनुदुर कुडुडर डठेल रठल नं. 2010100003 कठ कठडन अनुड डठकुकडठ वरुग डें कुलसकठव के डद डर हुठठ थठ शुरठ शैलेनुदुर कुडुडर डठेल दुरठर सठकुषठठकठर के सडडड डुरसुतुत अनठवररुड डुगुडठठ के संबंडुड डें नठडुनलठखठड कठनकठरठ डुरदठड कुरने हेतु –

(1) गुरेडु वेतन (ए.कठ.डठ.) रूडडे 7000 डें 15 वरुष के अधुडडन अनुडडव आकठदडठक गुरेडु वेतन रूडडे 8000 डठ उससे अधठ कडे 8 वरुष कठ अनुडडव कठसडें सह डुरधुडडक के रूड डें अधुडडन तथठ शैकुषणठक डुरशठसन डें अनुडडव शठडठल है। इस डुरडण डठर कठ डुरडणठड कठडठडुरठडठठ

(2) वठंकुनठड डुगुडठठ डठ.एक.डठ. कठ डठडुरठठ कठ डुरडणठड कठडठडुरठडठठ। उकुक दसुतठवेक कठ डुडुडे अवशुडकठठ है। डें इस अंतठड डुरठणठड के अनुडडुरक सुकठठ डें शठडठल हूं।

(b) In WPC No. 2759 of 2025 the respondent No.2 has sought following information which is reads as under:-

1. छत्तीसगढ़. लोक सेवा आयोग के विज्ञापन क्रमांक 10/2020/परीक्षा/दिनांक 12.12.2020 प्रकाशन तिथि 23.12.2020 एवं जारी शुद्धि पत्र क्रमांक 02/2021/परीक्षा/दिनांक 09.02.2021 द्वारा विज्ञापित कुल सचिव के पद की चयन प्रक्रिया पूर्ण करने के पश्चात् जारी अंतिम चयन परिणाम की प्रति।

2. कंडिका 1 में उल्लेखित विज्ञापन के अनुसार कुलसचिव पद में चयनित अभ्यर्थियों द्वारा अपने-अपने योग्यता के समर्थन में प्रस्तुत समर्पित दस्तावेज की प्रति। ?

(c) The Information Officer, Chhattisgarh Public Service Commission vide memo dated 19.04.2023 and 29.04.2024 has declined to provide information to the information seekers on the account that these information are personal information relating to third person, therefore, as per Section 8(1) (J) of Right to Information Act, 2005 (hereinafter referred to Act, 2005) same cannot be furnished to him as he has not granted the consent to provide the information to respondent No.2. Being aggrieved with these orders, both the respondents have preferred First Appeal before the Appellate Authority under RTI, office of the Public Service Commission, Raipur. The Appellate Authority vide its order dated 23.05.2023 in appeal No. 7-A/2023 in appeal No. 33/2024 decided on 31.05.2024 has rejected the same.

(d) Being aggrieved with these orders, respondent No. 2 (in both the cases) has preferred the appeal before the State Information Commission mainly contending that the First Appellate Court *malafidely* has wrongly interpreted Section 8(1) (J) of the Act, 2005 and has declined to supply information to the petitioner, as such impugned order passed by the

- Information Officer and First Appellate Authority are illegal and liable to be quashed.
5. It is further contended that since the information sought by the respondent No. 2 is not personal information and it does not interfere in the privacy of a person, therefore, the information should have been provided. It has also been contended that since the candidate has been selected, as such he is the government servant, therefore, the order passed by authorities is against the order passed by High Court of Jharkhand in WPS No. 5875 of 2024 in case of **Geeta Kumari vs. State of Jharkhand decided on 23.06.2016**, as such the order are illegal and liable to be quashed by the Appellate Authority.
 6. The First Appellate Authority has appeared before the State Information Commission and contended that they have forwarded the application to respondent No.2 selected candidate Shailendra Kumar Patel for granting consent to provide information to the information seeker wherein the selected candidate raised objection and requested not to provide information as it is personal information accordingly they have refused to provide information to the information seeker which is legal, justified and does not warrant interference by the Appellate Authority and has prayed for dismissal of the appeal.
 7. The State Information Commission vide impugned orders relying upon the judgment of High Court of Jharkhand in case of Geeta Kumari has allowed the appeal filed by the respondent No.2 and directed State Public Service Commission to provide information as sought by respondent

No.2. Being aggrieved with the order, Public Service Commission has preferred these writ petitions mainly contending that the candidates against whom the information was sought has not been selected candidate, as such he cannot be classified as Government servant, therefore, whatever information is available with them has already been forwarded to the State Government who is the appointing authority of the selected candidate, as such it cannot be given by them. It has been further contended that since the information which was sought by respondent No.2 is his personal information of the candidate and in absence of any consent the same cannot be provided to the information seeker. It has also been contended that the order passed by the High Court of Jharkhand is not applicable to the facts of the case as at that time the candidate was appointed, thereafter the information was sought from the Department not from the Public Service Commission, as such it has been prayed for allowing the petitions by quashing the order passed by the State Information Commission. To substantiate his submission, he has referred to the judgments of Hon'ble Supreme Court in the case of **Bihar Public Service Commission vs. Sayed Hussain Abbas Rizavi, reported 2012(13) SCC 61, Girish Ramchandra Deshpande vs. Central Information Commission reported 2013(1) SCC 212, R.K. Jain vs. Union of India reported 2013 (14) SCC 749 and Subhash Chandra Agrawal vs. Registrar Supreme Court of India reported 2018(11) SCC 634** and would pray for allowing the petitions.

8. On the other hand learned counsel for respondent/State Information Commission supporting the impugned orders would submit that the selected candidate is a public servant, therefore, the order for directing for providing information is legal, justified and does not warrant interference by this Court.
9. The respondent No. 2 in both the writ petitions appears before this Court through video conferencing and would submit that the impugned order passed by the State Information Commission is legal, justified once the candidate has participated in the selection process and thereafter he has been appointed and the selection process is completed therefore, it become public document, as such there is no rider not to give information and provision of Section 8 (1)(j) of the Act will not come in rescue for the petitioner to deny the information and would pray for dismissal of the petitions.
10. I have heard learned counsel for the parties and perused the records.
11. From the submission made by the parties, the points emerged for determination by this Court are

(I) Whether information of the candidates who have participated in the examination conducted by the PSC their information deserves to be given under RTI and candidates who have applied for the post are entitled to get protection of Section 8(1)(j) of the Act or not?

(ii) Whether petitioner who is not appointing authority is liable to give information to the information seeker or not about the details of the selected candidate?.

12. To appreciate the points determined by this Court, this Court has to extract the provisions of Article 320 of the Constitution of India and Sections 8, and 11 of Right to Information Act.

Article 320 of the Constitution of India.

Functions of Public Service Commissions;-

- (1) It shall be the duty of the Union and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the services of the State respectively.
- (2) It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
- (3) The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted--
 - (a) on all matters relating to methods of recruitment to civil services and for civil posts;
 - (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;
 - (c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;
 - (d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State;
 - (e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award, and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President, or, as the case may be, the Governor of the State, may refer to them: Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union,

and the Governor as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted.

(4) Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.

(5) All regulations made under the proviso to clause (3) by the President or the Governor of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid.

Section 8 and 11 of the Right to Information Act, 2005

Exemption from disclosure of information.

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any Court of law or tribunal or the disclosure of which may constitute contempt of Court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(l) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

Section 11 in The Right to Information Act, 2005

Third party information.

(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer,

as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

13. From perusal of the Article 320 of the Constitution of India the PSC is a constitutional body which has been established for conducting examination for appointment to the services of the Union and the State for the candidates possessing special qualification for particular post. Accordingly, it has to issue advertisement for recruitment and the candidate who have qualification prescribed in the advertisement or in the recruitment rules has to fill up form. Thereafter, the PSC who is examination body will conduct the examination or follow the procedure prescribed under the Recruitment Rules made therein and thereafter they have to declare the selection list which culminates the entire selection procedure on their part. Thereafter, the respective department on the

basis of select list sent by the PSC has to issue appointment order to the candidate, therefore, it cannot be held that the PSC is an appointing authority of the candidates and the candidate is the third party for PSC.

14. Therefore, as per the provisions of Section 8 and 11 of the Act, 2005 PSC has to seek permission from the candidate whose information was sought by the information seeker. In the present case, the respondent No.2 has not disputed that the selected candidate has not given consent for providing such information to the respondent No. 2. Even from the application submitted before the Information authority, it is quite vivid that the information which was sought is not for a public interest, as no material has been placed by respondent No.2 to substantiate that it is for his purpose, on the contrary in the application it has been mentioned that he is a waiting list candidate, therefore, to question the appointment of the petitioner this information was sought which is not object of RTI, Act, 2005 as the Act, 2005 enacted with an object to promote transparency and accountability in the working of every public authority but not to take personal revenge or to take personal vendetta, as such it cannot be held that action of PSC in denying to provide information to respondent No.2 suffers from illegality, perversity or violative of provisions of RTI, 2005.
15. The Hon'ble Supreme Court in the case of Bihar Public Service Commission (supra) has examined the provisions of Section 8 and 11 of the Act, 2005 as well public interest and emphasis for recording of the satisfaction to be arrived at by the authorities objectively. Paragraphs 22, 23 and 24 of **Bihar Public Service Commission** (supra) are as under:-

23. 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 not 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) (AIR 1952 SC 252)]. It also means the general welfare of the public that warrants recommendation and protection; something in which the public as a whole has a stake [Black's Law Dictionary (Eighth Edition)].

24. The satisfaction has to be arrived at by the authorities objectively and the consequences of such disclosure have to be weighed with regard to 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 factors 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 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.

25. First of all, the Court has to decide whether in the facts of the present case, the Commission holds any fiduciary relationship with the examinee or the interviewers. Discussion on this question need not detain us any further as it stands fully answered by a judgment of this Court in the case of Central Board of Secondary Education and Anr. vs. Aditya Bandopadhyay and Ors. [(2011) 8 SCC 497] wherein the Court held as under :-

“40. There are also certain relationships where both the parties have to act in a fiduciary capacity treating the other as the

beneficiary. Examples of these are: a partner vis-à-vis another partner and an employer vis-à-vis employee. An employee who comes into possession of business or trade secrets or confidential information relating to the employer in the course of his employment, is expected to act as a fiduciary and cannot disclose it to others. Similarly, if on the request of the employer or official superior or the head of a department, an employee furnishes his personal details and information, to be retained in confidence, the employer, the official superior or departmental head is expected to hold such personal information in confidence as a fiduciary, to be made use of or disclosed only if the employee's conduct or acts are found to be prejudicial to the employer.

16. Again the Hon'ble Supreme Court in the case of **Union Public Service Commission vs Angesh Kumar reported in 2018(4) SCC 530** has examined the provisions of Section 8 and 11 of the RTI, Act 2005, paragraph, 6, 9 10 as under:-

6. Thus, it is clear that in interpreting the scheme of the Act, this Court has, while adopting purposive interpretation, read inherent limitation in Section 3 and 6 based on the Third Recital in the Preamble to the Act. 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 and can be a guiding factor to deal with a given situation de hors Section 8,9, and 11. The High Court has not applied the said parameters.

9. Weighing the need for transparency and accountability on the one hand and requirement of optimum use of fiscal resources and confidentiality of sensitive information on the other, we are of the view that information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically. Situation of exams of other academic bodies may stand on different footing. Furnishing raw marks will cause problems as pleaded by the UPSC as quoted above which will not be in public interest. However, if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to so require in a given fact situation. If rules or practice so require, certainly such rule or practice can be enforced. In the present case, direction has been issued without considering these parameters.

(10) In view of the above, the impugned order(s) is set aside and the writ petitions filed by the writ petitioners are dismissed. This order will not debar the respondents from making out a case on above parameters and approach the appropriate forum, if so advised.

17. From the above referred judgments and the provisions of Section 3,8 and 11 of the RTI, Act 2005, it is quite vivid, that the Authority while providing information to the respondent No. 2 has to examine whether it is required for public interest or not and whether such information can prejudice the interest of selected candidate, Respondent No.1 has mechanically passed the impugned orders dated 16.01.2025. Even the State Information Commission has not taken into consideration that when the selected candidate has not given his consent under which authority it can provide such information of the selected candidate more particularly when the selected candidate is not Government servant and selected candidate has no indefensible right to be appointed.
18. So far as judgment of High Court of Jharkhand is concerned, it is distinguishable on the facts that the candidate of that case was duly appointed and the information was sought from the appointing authority not from the Public Service Commission or any selection body. The State Information Commission has passed the impugned orders without examining the parameters and the safeguard provided under Section 11 of the RTI, Act 2005 and has passed nonspeaking order in violation of the law laid down by the Hon'ble Supreme Court, therefore, this Court is of the firm opinion that the impugned orders are liable to be quashed and accordingly they are quashed. The applications submitted before the

Information Authorities are dismissed and the interim order passed by this Court on 12.06.2025 made absolute.

19. Accordingly the writ petitions are allowed.

Sd/-

(Narendra Kumar Vyas)
Judge

santosh