



HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE

FORM –‘D’

REJECTION ORDER

(See Rule 4(2))

No.RTIA/JR(M)-HCIND/ 1207

Indore, Dated 02-08-2022

From:

The Joint Registrar (M),
State Public Information Officer,
High Court of M.P., Bench at Indore.

To,

Mr. Shubhankar Mishra S/o. Shri Vishnu Kant Mishra,
Age-26 Year, Occupation-High Court Employee,
R/o. F-6, Judge Colony, City Centre, Gwalior
Gwalior (M.P.)
Mobile No.8827947908
Email-shubhankarthecool@gmail.com

Please refer to your application Form “C” vide No. 2079 Dated 29.06.2022 along with a copy of online application in Form “A” Dated : 25.06.2022 received from Shri Samresh Singh, Registrar (J-1) and Public Information Officer, High Court of M.P. Jabalpur informing thereby that the aforesaid application under R.T.I Act 2005 has been registered there at Jabalpur as I.D. NO.1429/2022 Dated: 25.06.2022 wherefrom the same has been transferred U/s. 6 (3) of the R.T.I Act, 2005 for appropriate action to this Bench Registry with a direction that the information, if admissible, may be provided directly to you, the applicant, under information to the aforesaid SPIO, Jabalpur. The same is received vide Inward No.2091 dated :05.07.2022 and registered at I.D. NO. 34/2022-2023 dt. 05.07.2022 regarding supply of information under Right to Information Act, 2005, about providing you the Fixation Sheet of Ms. Vibha Pachori posted as Personal Assistant in the High Court of M.P. Bench at Indore.

After receipt of your above referred RTI application it was found that you have sought third party information i.e. personal information of Ms. Vibha Pachori, therefore in order to arrive at a fair decision and looking to the provisions of Section 8(J) and 11 of R.T.I. Act, the undersigned issued a Notice No. लो०सू०अ० / जे०आ०(एम)/1952, Indore dated 07/07/2022 to Ms. Vibha Pachori, P.A. of this Bench Registry giving her opportunity to make objection/representation against the proposed disclosure and to appear in person or through an agent authorized by her in this regard, before this Authority on or before 15.07.2022 for her pleadings. She was also informed that in the event of her failure to appear as above, the matter may be decided ex-parte having regard to the materials on record.

02.08.22
J.R.(M)

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In compliance with the aforesaid notice of the undersigned, Ms. Vibha Pachori, in turn, personally appeared before me and submitted in writing her Objection dated 14.07.2022 taking exceptions and strong objections to disclosure of her personal third party information to you relying on the provisions under Section 8(j) & 11 of Right to Information Act, 2005. It has further been informed & submitted by her that you have not specifically mentioned the period of her Fixation Sheet in your application.

Perusing the Written Objection of Ms. Vibha Pachori & hearing her strong submissions about non-disclosure of her personal information to you, Memo No. RTIA/JR(M)-HCIND/2040 dated 14.07.2022 was issued to you to appear in person or through an agent authorized by you in this regard before this Authority on or before 23.07.2022 to show cause as to why the prayer for disclosure of desired information as per your above referred application be not rejected, treating the same as Third Party Information of Ms. Vibha Pachori. You were further requested to mention the Larger Public Interest (if any) under which the desired information may be provided to you. You were telephonically informed too, to appear before the undersigned on or before 23.07.2022, whereupon vide your letter dated 22.07.2022 (received per e-mail on 23-07-2022) it was informed by you that due to some personal reasons you were unable to appear in person before the undersigned.

As per your aforesaid letter dated 22.07.2022, you have contended that since the Fixation Sheet of any employee is not a personal information, therefore providing the same to you will not cause unwarranted invasion of the privacy of the employee concerned, there is larger public interest & the same is not covered under Section 8(j) of the RTI Act, 2005.

As already informed, the matter is thus dealt in your absence from your failure to appear on the given date 23.07.2022. The matter is, therefore, proceeded on the basis of materials on record i.e. your application under Right to Information Act, 2005 and the below mentioned documents adduced by Ms. Vibha Pachori.

Written Objection dated 14.07.2022 of Ms. Vibha Pachori about non disclosure of her personal & confidential information i.e. Fixation Sheet to you, relying on provisions under Section 8 (j) and Section -11 of Right to Information Act, 2005.

Considering the aforesaid submissions/objections raised by Ms. Vibha Pachori, in writing and in person, the information as sought-for by you cannot be supplied due to the following reasons :-

- (1) After treating the information as Third Party Information, the undersigned had sought comments/objection, if any, from either of the parties to provide you the third party information and in context to the same Ms. Vibha Pachori has raised objections to provide you her third party information treating the same as her personal confidential

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Handwritten signature and date: 09.08.22, JR(M)



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information & she has also submitted that you have not mentioned the period for which you had sought her Fixation Sheet, and you, in turn, failed to establish any larger public interest for its disclosure to you & not appeared before the undersigned despite Memo & telephonic information to you. Hence there seems no larger public interest to provide you the 3rd party information.

- (2) The information as sought-for by you pertains to the personal information of Ms. Vibha Pachori and may be categorized as her confidential information and that no larger public interest appears to warrant the disclosure of the information.
- (3) After treating the information as Third Party Information, it is considered by the undersigned that the disclosure of such information may cause unwarranted invasion of privacy of the third party and is, therefore, exempted from disclosure.
- (4) The information desired by you comes under purview of “third party information” and also comes under purview of “personal information” and falls within the restrictions of Section 8 (1) (j) of the Act.
- (5) The subject matter of your application made under RTI Act, 2005 appears to be squarely covered under the provisions of Section 8(j) of Right to Information Act, 2005 and therefore, the disclosure of which is considered exempted.

As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority (Principal Registrar, High Court of M.P., Indore Bench) within 30 days of the issue of this order.

(RAJESH KUMAR SHARMA)
JOINT REGISTRAR (M)/
STATE PUBLIC INFORMATION OFFICER,
HIGH COURT OF M.P. BENCH AT INDORE

No.RTIA/JR (M)-HCIND/ 1208

Indore, Dated 02/08/2022

Copy forwarded to : The Registrar (J-I) cum SPIO, High Court of M.P. Jabalpur for kind information.

(RAJESH KUMAR SHARMA)
JOINT REGISTRAR (M)/
STATE PUBLIC INFORMATION OFFICER,
HIGH COURT OF M.P. BENCH AT INDORE