

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi – 110067

File No: CIC/HAFWD/A/2023/132381

Sharad Verma

.....अपीलकर्ता/Appellant

VERSUS

बनाम

PIO,  
Dy Secretary(HR Med) Health &  
Family Welfare Department,  
GNCTD, A Wing, 9th Floor,  
Delhi Secretariat, New Delhi – 110002

....प्रतिवादीगण /Respondent

Date of Hearing : 24.10.2024  
Date of Decision : 29.10.2024

**INFORMATION COMMISSIONER : Vinod Kumar Tiwari**

**Relevant facts emerging from appeal:**

RTI application filed on : 27.03.2023  
CPIO replied on : 03.05.2023  
First appeal filed on : 16.06.2023  
First Appellate Authority's order : 24.07.2023  
2nd Appeal/Complaint dated : 27.07.2023

**Information sought:**

The Appellant filed an RTI application dated 27.03.2023 seeking the following information:

*"1. Whether any in-service Doctor/Doctors of GDMO, Specialist or Teaching cadre working in Hospitals or any other Health facility of Delhi*

*government has been granted/allowed 6 years of study leave to pursue super-specialty course for the period - 2010 to 2023(as of date)?*

*2. Whether any in-service Doctor/Doctors of GDMO, Specialist or Teaching cadre working in Hospitals or any other Health facility of Delhi government has been granted/allowed 3 years of study leave to pursue Post graduate course and then 3 years study leave or any other leave to pursue superspeciality course for the period - 2010 to 2023 (as of date)?*

*3. Whether any in-service Doctor/Doctors of GDMO, Specialist or Teaching cadre working in Hospitals or any other Health facility of Delhi government has been granted/ allowed 5 years of study leave or six years of leave, comprising of any combination of leave to pursue superspeciality course for the period - 2010 to 2023 (as of date)?*

*4. In respect of the information Sl. No. 1 to 3, no personal information in terms of name of Doctor or Doctors is sought. Kindly provide me the meta data information such as number of such doctors, type of cadre, name of hospital, name of course and the year such doctor or doctors were granted leaves.*

*5. Further, it is submitted that aforementioned queries do not pertain third party information under RTI Act.”*

The CPIO furnished a point-wise reply to the Appellant on 03.05.2023 stating as under:

*“1 to 3 In this regard, it is submitted that no such information is maintained by the branch.*

*4 In this regard, it is submitted that no such record is maintain in HR-Medical Branch.”*

Being dissatisfied, the appellant filed a First Appeal dated 16.06.2023. The FAA vide its order dated 24.07.2023, held as under:

*“In the said hearing Applicant and APIO (HR- Medical) were present. During the hearing the matter has been discussed under the FAA and has directed the applicant to collect the RTI reply/information from concerned department/Hospitals.”*

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Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

**Relevant Facts emerged during Hearing:**

The following were present:-

**Appellant:** Present in person.

**Respondent:** Shri Vinod Kumar, Section Officer & representative of the CPIO and Shri J S Rawat, Assistant Section Officer present in person.

The Appellant, during the hearing, reiterated the contents of his RTI application and instant appeal and submitted that till date information has not been provided to him by the Respondent. The Appellant stated that he wants to know that as to whether any Doctor/Doctors of GDMO, Specialist or Teaching cadre working in Hospitals or any other Health facility of Delhi government has been granted/allowed 3 years of study leave to pursue Post graduate course and then 3 years study leave or any other leave to pursue super speciality course but no information in this regard has been provided to him.

The Respondent submitted that vide their letter dated 03.05.2023, they have categorically informed the Appellant that no such information is maintained in their office. However, at the stage of first appeal, the FAA advised the Appellant to collect the RTI reply/information from concerned department/Hospitals.

**Decision:**

The Commission at the outset after scrutinizing the records finds no scope of action in the matter with respect to information sought in the RTI application as the query raised by the Appellant is based on conjectures which concededly does not conform to Section 2(f) of the RTI Act *per se*.

In this regard, the Appellant shall note that outstretching the interpretation of Section 2(f) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to

penal provisions under the RTI Act. For the sake of clarity, the provision of Section 2(f) of the RTI Act is reproduced hereunder:

*“2. Definitions.—In this Act, unless the context otherwise requires,—*

*(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;..”*

His attention is also drawn towards a judgment of the Hon’ble Supreme Court on the scope and ambit of Section 2(f) of RTI Act in the matter of **CBSE vs. Aditya Bandopadhyay&Ors.** [CIVIL APPEAL NO.6454 of 2011] wherein it was held as under:

*“35. At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information **that is available and existing.....A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act.” (Emphasis Supplied)***

Similarly, in the matter of **Khanapuram Gandaiah vs Administrative Officer & Ors.** [SLP (CIVIL) NO.34868 OF 2009], the Hon’ble Supreme Court held as under:

*“7....Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the*

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*application could not have been with the public authority nor could he have had access to this information and **Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him....***” (Emphasis Supplied)

And, in the matter of *Dr. Celsa Pinto, Ex-Officio Joint Secretary,(School Education) vs. The Goa State Information Commission* [2008 (110) Bom L R 1238], the Hon’ble Bombay High Court held as under:

*“..... In the first place, the Commission ought to have noticed that the Act confers on the citizen the right to information. Information has been defined by Section 2(f) as follows.*

*Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;*

*The definition cannot include within its fold answers to the question why which would be the same thing as asking the reason for a justification for a particular thing. **The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.***” (Emphasis Supplied)

Nonetheless, the Respondent has informed the factual position in the matter to the Appellant. The Appellant may approach the concerned department/Hospitals to obtain the information.

No intervention of the Commission is warranted in the matter.

The appeal is disposed of accordingly.

Vinod Kumar Tiwari (विनोद कुमार तिवारी)  
Information Commissioner (सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

**(S. Anantharaman)**

Dy. Registrar  
011- 26181927  
Date

**Copy To:**

The FAA Joint Secretary(Planning)  
Health & Family Welfare Department,  
GNCTD, A Wing, 9th Floor, Delhi Secretariat,  
New Delhi – 110002



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**Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-**

Nil