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आज़ादी का
अमृत महोत्सव

भारत सरकार
GOVERNMENT OF INDIA

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING

75
Azadi Ka
Amrit Mahotsav

मत्स्यपालन विभाग/ DEPARTMENT OF FISHERIES

केन्द्रीय मात्स्यिकी तटवर्ती इंजीनियरी संस्थान
CENTRAL INSTITUTE OF COASTAL ENGINEERING FOR FISHERY

ईस्रोआवास के सामने, जालहल्ली, बेंगलूर 560 013
Opp. to ISRO Qrts., Jalahalli, Bengaluru-560 013

Issued on 22/12/2022

संदर्भ सं./Ref. No. I-35/2018-CEF

दिनांक/Dated 22nd December, 2022

विषय / Sub: Furnishing information under Right to Information Act, 2005.

संदर्भ / Ref: RTI Request No. CIFBL/R/E/22/00006 dated 24/11/2022.

The information pertaining to Central Institute of Coastal Engineering for Fishery (CICEF), Bengaluru, Karnataka for the RTI request No. CIFBL/R/E/22/00006 dated 24/11/2022 is as below:

Sl. No.	Information required by the applicant	Information pertaining to CICEF, Bengaluru
	As per the RTI act 2005 I want to know following details. As per employment notice of SSC Selection Post Phase 7/2019 your department have two vacant vacancies (1- UR, 1- OBC) of Junior Engineer (Civil) (post code KK10719). My questions are as follows:	
1.	SSC KKR has nominated one OBC candidate (Sandeep Choudhary) on 13/05/2022 from the reserve list. Did the candidate join the department or not?	As per Right to Information Act, 2005, CPIO is required to provide information as available with him in the form of Office Memorandum, Notifications, rules, regulations, orders, letters and circulars etc. Queries/clarification or interpretation of information is outside the purview of the Right to Information Act, 2005. The CPIO is not supposed to create information or to interpret information.
2.	Reason behind not joining the department given by the candidate.	
3.	Has SSC KKR nominated any other OBC candidate for filling up the vacancy till now?	
4.	Is the process still going on or ended?	
5.	Has the department requested for any other OBC candidate due to not joining of Sandeep Choudhary?	

**Information pertaining to
CICEF, Bengaluru**

Sl. No.	Information required by the applicant	Information pertaining to CICEF, Bengaluru
6.	Has SSC KKR nominated any other OBC candidate due to not joining of Sandeep Choudhary?	As per Right to Information 2005, CPIO is required to provide information as available with him in the form of Office Memorandum, Notifications, rules, regulations, orders, letters and circulars etc. Queries/ clarification or interpretation of information is outside the purview of the Right to Information Act, 2005. The CPIO is not supposed to create information or to interpret information.
7.	How many posts are currently vacant in the department? Please give post wise details.	Information available in the Institute is enclosed.
8.	How many posts of JE (Civil) are sanctioned in your department and how many posts are vacant? Please specify category wise.	
9.	How many posts of Assistant Engineer (Civil) are sanctioned in your department and how many posts are vacant?	

In case you are not satisfied with the above reply, you may approach within 30 days to the Appellate Authority at the following address: Director & Appellate Authority, Central Institute of Coastal Engineering for Fishery (CICEF), Bengaluru, Jalahalli, Bengaluru – 560 013.

भवदीय/Yours faithfully,

N. Ravi Sankar

o/c

(एन रवि शंकर / N. RAVI SANKAR)
उप निदेशक तथा केंद्रीय लोक सूचना अधिकारी
DEPUTY DIRECTOR (CE) & CPIO

सेवा में /To,
Shri Rohit Singh,
64 E 26 Dabouli First, Kanpur
Uttar Pradesh- 208022
Email: rs630884@gmail.com Mob: 7355996755



175
जारी किया
05/01/2023
अमृत महोत्सव
Issued on

भारत सरकार
GOVERNMENT OF INDIA

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय
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ईस्रोआवास के सामने, जालहल्ली, बेंगलूर 560 013

Opp. to ISRO Qrts., Jalahalli, Bengaluru-560 013

संदर्भ सं./ Ref No. I-35/2018-CEF

दिनांक/Dated 05th January, 2023

Before the Appellate Authority
(Under the Right to Information Act, 2005)

Rohit Singh

:

Appellant

Vs

CPIO, CICEF, Bangalore

:

Respondent

Order

1. The appellant filed an application vide RTI request dated 24th November, 2022, under the Right to Information Act, 2005 (hereinafter referred to as "RTI Act"). The respondent vide letter dated 22nd December, 2022 responded to the appellant. The appellant has filed this appeal vide appeal dated 25th December, 2022 against the said response.

2. From the appeal, I note that the appellant is aggrieved by the respondent's response to query of his application.

3. The appellant had sought information about (i) SSC KKR has nominated one OBC candidate (Sandeep Choudhary) on 13/05/2022 from the reserved list. Did the candidate join the department or not? (ii) Reason behind not joining the department given by the candidate (iii) Has SSC KKR nominated any other OBC candidate for filling up the vacancy till now? (iv) Is the process still going on or ended? (v) Has the department requested for any other OBC candidate due to not joining of Sandeep Choudhary? (vi) Has the SSC KKR nominated any other OBC candidate due to not joining of Sandeep Choudhary?.

4. I note that the respondent, in his response, had *inter alia* informed the appellant that Queries/ clarification or interpretation of information is outside the purview of the RTI Act, 2005. The CPIO is not supposed to create information or to interpret information.

5. I note that as per the Right to Information Act, 2005, CPIO is required to provide information as available with him in the form of OM., Notifications, rules, regulations, orders, letters and circulars etc. Queries/ clarification or interpretation of information is outside the purview of the Right to Information Act, 2002. The CPIO is not supposed to create information or to interpret information.

In this context, I note that the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011), *inter alia* held: "A public authority is "...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, provided advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act".

Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...". I note that the Hon'ble CIC in the matter of *Sh. Alok Shukla vs. CPIO, SEBI* (Decision dated May 23, 2013), held: "While dealing with RTI, we should not forget that information means only an existing material record. The CPIO can provide the copy of the available records; he cannot create new records in order to address specific queries of the Appellant. What the Appellant wants here is clearly in the nature of seeking opinion and not information. Therefore, it is not within the capacity of the CPIO to offer any such opinion or comment".

6. In view of these observations, I find that the respondent cannot be obliged to provide a response to such request for information, as made by the appellant through his application.

The appeal is accordingly disposed of.

8. As per section 19 (3) of the Right to Information Act, 2005, the appellant, if not satisfied may file appeal to the Second Appellate Authority within 90 days of issue of this order, whose particulars are given below:

Central Information Commission
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110 066.


(N. VENKATESH PRASAD)
DIRECTOR &

FIRST APPELLATE AUTHORITY

Mobile: +919449009965

To
Shri. Rohit Singh,
64 E 26 Dabouli First, Kanpur,
Uttar Pradesh 208 022.

Copy to Shri. N. Ravi Sankar, Deputy Director and CPIO, CICEF, Bengaluru.


(N. VENKATESH PRASAD)
DIRECTOR &

FIRST APPELLATE AUTHORITY