

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

द्वितीय अपील संख्या / Second Appeal No. **CIC/DIRED/A/2018/145555**

Ms. Anita Chaudhary

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, DDE – Zone II, Dte. Of Education,
Shakarpur, Delhi – 110092

... प्रतिवादीगण / Respondent

PIO, ADE – (East), Dte. Of Education (E),
Anand Vihar, Delhi – 110092
Through: Sh. Manoj Kumar Sharma

Date of Hearing : 08.06.2020

Date of Decision : 09.06.2020

Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 21.03.2018
PIO replied on : 24.04.2018
First Appeal filed on : 15.05.2018
First Appellate Order on : 25.06.2018
2nd Appeal/complaint received on : 19.07.2018

Information sought and background of the case:

The Appellant filed his RTI application dated 21.03.2018 seeking information on four points related to the Baptist Convent Sr. Sec. School, I.P. Extension, Patparganj, Delhi – 110092. The requisite information is as under:-

1. Names of students of Class 8th and 12th students who were given admission under EWS Quota for the session 2017-18. Provide information in detail.
2. Names of Class 12th students who fall under EWS Quota in final year.
3. Provide the names of parents/Guardians of Class 8th and 12th students who were given admission under EWS Quota in the year 2017-18.
4. Provide copies income certificates submitted by Class 8th and 12th students who were enrolled under EWS Quota in the year 2017-18.

The DDE-Zone II, Delhi furnished a reply to the appellant vide letter dated 24.04.2018 informing the appellant that information asked by her was not available in the office.

Dissatisfied with the reply received from the PIO, the Appellant filed a First Appeal dated 15.05.2018, which was decided by the FAA vide order dated 25.06.2018 noting that the information has been furnished to the appellant.

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

Facts emerging in Course of Hearing:

In order to maintain social distancing and to prevent spread of COVID-19 pandemic, hearing is conducted through audio conference.

Both parties are present and appellant states that no information has been furnished to her. While making his averments, the respondent-Sh. Manoj Kumar Sharma refers to Rule 180 of DSEAR Act whereby the information about EWS registration is submitted by schools to the respondent. He has stated that data about online registration of students is available since the year 2018-19, while appellant seeks information pertaining to academic year 2017-18, hence the information could not be readily provided.

He further explains that before the implementation of the RTE/*Right to Information*] Act, admissions to students from economically weaker sections were given under the freeship quota. The registration of students under EWS quota is not done at the stage of class 8 or 12, hence data sought by the appellant is not readily available. Hence, the information sought by the appellant could not be readily provided.

Decision

After hearing the matter, the Commission notes that the reply of the respondent that information about admissions under EWS[Economically Weaker Section] quota is not available in their office is totally unacceptable. The respondent is the regulatory authority of all educational institutions and cannot remain oblivious nor avoid questions relating to such crucial information which involves implementation of the Right to Education Act. However, having stated so, the Commission notes that the most pertinent issue has been overlooked by the respondent while dealing with the queries of the appellant. The information about names and particulars of students is personal information held by the school in a fiduciary capacity disclosure of which would invade the privacy of the children concerned. Hence specific information including names, parents' names, and similar information about the students is barred from public disclosure in terms of Section 8(1)(j) of the RTI Act. The Respondent has not applied the provisions of the RTI Act in dealing with RTI queries, which is a serious lapse.

On examining the queries of the appellant, it is further noted that she has sought information about students particularly of Class 8 and 12 admitted under EWS quota. The RTE Act on the other hand makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools, requiring all private schools(except the minority institutions) to reserve 25% of seats for children belonging to the economically weaker section of society. On the other hand, the queries of the appellant are aimed at seeking information about children under the EWS category admitted in Class 8 and 12 of the concerned school.

Under the circumstances, the Commission directs the Respondent to provide information about the total number of students, if any, admitted under EWS quota in Class 8 and class 12 for the academic year 2017-18, in the Baptist Convent Sr. Sec. School, I.P. Extension, Patparganj, Delhi. This information should be provided to the appellant in the form of a revised reply, within four weeks of receipt of this order. Compliance report in this regard must reach the Commission within one week thereafter, failing which appropriate proceedings shall be initiated as per law.

The appeal is disposed off with these directions.

Y. K. Sinha(वाई. के. सिन्हा)
Information Commissioner(सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

Ram Parkash Grover (राम प्रकाश गोवर)
Dy. Registrar (उप-पंजीयक)/ 011-26180514