

IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD

APPEAL NO. 989-04-2021

Professor Yaseen Iqbal

Versus

Quaid-e-Azam University, Islamabad

Date: 14.7.2021

Fawad Malik: Information Commissioner

A. APPEAL.

1. The brief facts of the appeal are that Professor Yaseen Iqbal, Chairman, Department of Physics, University of Peshawar, was listed among the top three candidates for the post of Vice Chancellor in Islamia College University. Through the application dated 16.3.2021 he has requested the Registrar as well as the Vice Chancellor, Quaid e Azam University, Islamabad, for the provision of the following documents under the Right of Access to Information Act, 2017 for his personal record and availing the legal remedy provided under the Constitution of Islamic Republic Pakistan 1973:
 - i. *“Authentic copy of Prof. Gul Majeed Khan’s experience/service certificate from Gomal University submitted by him for the post of Professor (TTS) in 2011-2012.*
 - ii. *Authentic Copy of NOC and proper relieving documents from Gomal University to join QAU as Professor on TTS.*
 - iii. *Authentic copies of proofs of 03 postdoctoral programs along with relevant durations he claimed in his CV submitted for the post of TTS Professor in QAU.”*

2. Feeling aggrieved for the non-provision of the information/record Professor Yaseen Iqbal has invoked the jurisdiction of Pakistan Information Commission through appeal dated 7.4.2021 for the reprisal of his grievance.
3. The establishment section of Quaid e Azam University, Islamabad vide letter dated 19.5.2021 replied to the application as under:
“Reference your letter dated 16-03-2021 on the subject cited above it is to inform you that Dr. Gul Majeed Khan was working at Gomal University prior to joining Quaid-i-Azam University. You are therefore asked to seek relevant information/documents from concerned quarters of Gomal University, please.”

B. PROCEEDINGS.

4. The appeal was fixed for hearing before the Commission on 7.7.2021. Mr. Samiullah Khan, AR (Legal) and Mr. Altaf Gohar, AR (Est.) appeared before the Commission to represent the respondent organization. After hearing the arguments they were directed to produce all the relevant record pertaining to the appeal, before the Commission for appraisal on 14.7.2021.
On 14.7.2021 no one entered appearance at the time of hearing nor the relevant record was produced as directed by the Commission on the last date of hearing.

C. COMMISSION’S VIEW.

5. The appellant being competitor for the post of Vice Chancellor in Islamia College University, and finally shortlisted among the top three is not satisfied with the final selection of Dr. Gul Majeed Khan. He has requested the experience/service certificate, NOC and relieving documents from Gomal University and the proof of the three postdoctoral programs along with relevant durations claimed by Dr. Gul Majeed Khan in his CV, submitted for the said post in the office of QAU.
6. The University has advised the appellant to seek the said information/record from the concerned quarters of Gomal University.

This reply is neither impressive nor logical hence does not appeal to prudent mind. The appellant's request is clear and unambiguous in its plain meanings. He simply has requested the documents submitted by Dr. Gul Majeed Khan along with his CV in support of his qualification to prove his eligibility, in the office of Quaid-e-Azam University. He wants to sort out whether the selection is on merit in transparent manner or the element of nepotism has persisted in the final selection and he or any other candidate has been deprived of his right. The CV with all the requisite documents of the selected candidate must be available in the file with the organization where he has been interviewed and finally appointed. The reply of the QAU is evasive and not convincing. Commission is also mindful that the two representatives of the University after discussing the application and the reply undertook to produce the record on the following date but instead they absented themselves too. The conduct of both the representatives' amounts to deliberate and wilful obstruction, causing delay in the provision of the information, warranting imposition of fine under section 20(f) of the Act. Taking a lenient view they are warned to remain careful in future.

7. The Commission is of the view that all the record of the candidates including qualification certificates, experience certificates, NOC and any other record that may be helpful to the candidate or is instrumental and contributory towards the eligibility and his selection in the government department becomes the category of "public record" for the reason that on joining after the final selection he becomes the public officer/employee and section 5(a) of the Act comes into field that mandates the disclosure of his record proactively.
8. The appellant has desired the requested information/record under the vested right provided to the citizens in Article 19A of the Constitution of the Islamic Republic of Pakistan 1973 read with the Right of Access to information Act, 2017. This right is further fortified as the appellant wants to avail the legal remedy provided in the law. These rights cannot be delayed, abridged or denied to the citizens through the bureaucratic delaying tactics or according to the whims of the organizations.

9. Transparency in the working of the government departments is the essence for the enactment of the Act 2017. Its spirit is to ensure that the people of the Islamic Republic of Pakistan have access to the records held by the federal public bodies for making the government accountable to the people. This practice would improve the participation of the people in the public affairs aimed at reducing corruption, nepotism and the culture of favoritism in the appointments in the government departments.

D. ORDER.

10. The appeal is allowed. The registrar, Quaid-e-Azam University, Islamabad is directed to provide the appellant the certified copies of the requested information after severing the cell number, CNIC number, bank account number or any other detail of the family members that can affect the privacy of Prof. Gul Majeed Khan or his family, forthwith but not later than seven days of the receipt of this order.

He is further directed to post the said record on the website and the notice board of the University under intimation to the Commission within fortnight.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 26.7.2021

Certified that this order consists of four pages, each page has been read and signed.

