

Appeal No. E310-07/2022

Muhammad Arif Iqbal

Vs

Federal Public Service Commission

Fawad Malik: Information Commissioner

A. APPEAL

1. Mr. Muhammad Arif Iqbal filed an email request under the Right of Access to Information Act, 2017. Through his mail dated 14.07.2022 he has sought the following information from the Federal Public Service Commission, Islamabad:-

“I want to get information about the marks obtained by me in test and interview of the following post:

- *Add Number: 1/2009*
- *Case Number: F. 4-5/2009-R*
- *Fifty-Six Lecturers (Male), Islamabad Model College for Boys, Federal Directorate of Education, BS-17.*
- *Category (N) English.*
- *Roll No: 3500”*

2. Feeling aggrieved for the non-provision of information within the stipulated period provided under the Act he has filed appeal before Pakistan Commission on Access to Information, Islamabad.

B. PROCEEDINGS

3. The notice of the Commission was responded by the respondent public body to the following effects:-

- a. *“That the appellant has claimed being a candidate for recruitment to the post of Lecturer (Male), Islamabad Model Colleges for Boys, Federal Directorate of Education (BS-17) under the FPSC Case No.F.4-5/ 2009-R (Advt. No.1/2009) but failed to annex any proof thereof.*

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- b. In accordance with Section 7 (3) of Federal Public Service Commission Ordinance, 1977, a candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within the fifteen days after given the candidate a reasonable opportunity of hearing read with Limitation Act. But the appellant failed to avail the facility of statutory remedies of representation and review petition before the Federal Public Service Commission and then prefer an Appeal to the High Court.*
- c. The instant case is hit by the principle evolved by the Superior Courts to the effect that a thing required by law to be done in a certain manner must be done in the same manner prescribed by law or not to be done at all. Reliance is placed on the ruling reported in **2001 SCMR 838** and **1971 SCMR 681**.*
- d. The request of the appellant dated 14.07.2022 (claimed) does not appear to have been received in office of Federal Public Service Commission; Islamabad neither the appellant has provided any documentary proof of receipt of his application. Therefore, the instant appeal under Section 11 read with Section 17 of RTI Act, 2017 is not maintainable.*
- e. It may be appreciated that this is an old case of 2009, which is considered as past and closed transaction. Therefore, it is cardinal principle that law favours the vigilant and not the indolent.”*

4. The appellant feeling dissatisfied with the reply has filed his objections. He has reiterated for the provision of the requested information.

C. COMMISSION'S VIEW

5. The appellant himself being a candidate, invoking the right of access to the information held by the public bodies has desired the provision of the detail of marks secured by him during the test and interview for the recruitment of the post of Lecturer, Islamabad Model Colleges for Boys, Federal Directorate of Education (BS-17) under the FPSC Case No.F.4-5/ 2009-R (Advt. No.1/2009).
6. The respondent public body has denied the access to the desired information and record while referring Section 7 (3) of Federal Public Service Commission Ordinance, 1977 and that it is an old case of 2009 therefore past and closed transaction.

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7. It can be noted that the public body has not responded in line with the RTI Act, 2017 rather declined the request on account of limitation for filing representation in accordance with Section 7 (3) of Federal Public Service Commission Ordinance, 1977. It is worth to mention here that the appellant has not filed representation against any decision of the Federal Public Service Commission rather invoking the fundamental and statutory right has asked for the provision of the detail of marks secured by him during the test and interview for the recruitment of the post of Lecturer. The provision of information and record under the Act of 2017 read with Article 19A of the Constitution of Islamic Republic of Pakistan, 1973 is a rule while its refusal would be an exemption. The respondent in the reply has not claimed any exemption from disclosure of the information or exclusion of record, mentioned in the Act. The reply is therefore vague and nor in line with the Act.

D. ORDER

8. The appeal is allowed. The Secretary, Federal Public Service Commission is directed to provide the appellant the detail of marks secured by him during the test and interview for the recruitment of the post of Lecturer, Islamabad Model Colleges for Boys, Federal Directorate of Education (BS-17) under the FPSC Case No.F.4-5/2009-R (Advt. No.1/2009), forthwith, but in any case not later than seven days of the receipt of this order.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on 11.10.2022

Certified that this order consists of three (3) pages, each page has been read and signed.

