

BEFORE THE HON'BLE STATE CHIEF INFORMATION COMMISSIONER UTTAR
PRADESH STATE INFORMATION COMMISSION RTI Bhawan, 7/7A, Vibhuti Khand,
Gomti Nagar, Lucknow, Uttar Pradesh – 226010

Appeal under Section 19(3) of the Right to Information Act, 2005

Appellant: Yogi M. P. Singh Mohalla Surekapuram Colony, Jabalpur Road, District-
Mirzapur, Uttar Pradesh – 231001 Mobile: 7379105911

V.

Respondents:

1. Public Information Officer (PIO) Dr. Sunita Pandey, Registrar Mahatma Gandhi Kashi Vidyapith University, Chetganj, Varanasi – 221002
2. First Appellate Authority (FAA) Prof. Anand K. Tyagi, Vice Chancellor Mahatma Gandhi Kashi Vidyapith University, Chetganj, Varanasi – 221002

Subject: Second Appeal under Section 19(3) of the Right to Information Act, 2005 against the inaction of the FAA and the provision of an incomplete and misleading reply by the PIO of Mahatma Gandhi Kashi Vidyapith University, Varanasi.

Particulars	Details
RTI Application Number	MGKW/R/2025/60038
Date of Filing RTI	May 13, 2025
Date of PIO's Reply	July 11, 2025
First Appeal Number	MGKW/A/2025/60029
Date of Filing First Appeal	July 15, 2025
Date of FAA's Decision	No Decision Rendered
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1. Facts of the Case

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1. The Appellant filed an RTI application on May 13, 2025, seeking seven points of information pertaining to the posting details, joining dates, and categories of various officers and employees at Mahatma Gandhi Kashi Vidyapith University. The objective was to assess compliance with the state's transfer policies aimed at curbing corruption.
2. As per Section 7(1) of the RTI Act, 2005, the PIO was obligated to provide the information by June 12, 2025 (within 30 days).
3. However, the PIO provided a reply on July 11, 2025, after a delay of 29 days. This delay constitutes a deemed refusal under Section 7(2) of the RTI Act.
4. The reply furnished by the PIO was evasive and unsatisfactory. It incorrectly claimed that all information was available on the university website and improperly cited rules to deny the information, stating that "why" questions need not be answered and that the request would cause a disproportionate diversion of resources.
5. Aggrieved by the PIO's delayed and misleading response, the Appellant filed a First Appeal with the First Appellate Authority (FAA) on July 15, 2025.
6. The FAA was statutorily required to dispose of the appeal within 30 days (or 45 days with written reasons) as mandated by Section 19(6) of the RTI Act. To date, more than 60 days have elapsed, and the FAA has failed to adjudicate the matter.

2. Grounds for Second Appeal

The Appellant respectfully submits the following grounds for this Second Appeal:

A. Gross Delay and Deemed Refusal by the PIO: The PIO's response, being 29 days late, is in direct violation of the time limit prescribed under Section 7(1). This egregious delay is tantamount to a deemed refusal of information under Section 7(2) of the Act. Consequently, as per Section 7(6), the information, when provided, must be furnished free of charge.

B. Provision of Vague and Misleading Information: The PIO's blanket statement that "all information is available on the website" is a common tactic to evade responsibility. The PIO failed to provide specific URLs or direct links where the point-wise information could be located. This Commission has repeatedly held that

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such vague responses are not permissible. The burden lies on the PIO to prove that the information is indeed accessible on the public portal. The Appellant affirms that the requested information is not available on the said website.

C. Incorrect Application of the RTI Act and Rules: The PIO's reply wrongfully denied the information on irrelevant grounds.

- Firstly, the information sought (posting details, joining dates, employee lists) is factual data held in official records. None of the seven points are "why" questions, and the PIO's citation of rules to this effect is a clear misapplication intended to obstruct the flow of information.
- Secondly, the claim of "disproportionate diversion of resources" under Section 7(9) is unsubstantiated. Providing lists of employees and their service details is a fundamental administrative function, and this information should be readily available in any organized public authority. The PIO has not provided any justification for how this would paralyze the university's functioning.
- Furthermore, the information sought is largely covered under Section 4(1)(b) of the RTI Act, which mandates proactive disclosure of the particulars of officers and employees. The PIO's refusal to provide such basic data is contrary to the spirit of transparency that the Act champions.

D. Dereliction of Duty by the First Appellate Authority: The FAA has completely failed to perform its statutory duty under Section 19(6). By not adjudicating the First Appeal within the stipulated timeframe, the FAA has denied the Appellant his right to an appellate remedy and has effectively enabled the PIO's obstructionist conduct. This inaction necessitates the intervention of this Hon'ble Commission.

3. Prayer

In light of the foregoing facts and grounds, the Appellant humbly prays that this Hon'ble Commission be pleased to:

1. Admit this appeal.
2. Direct the Respondent PIO, under its powers in Section 19(8)(a), to furnish complete, accurate, and point-wise information as requested in the original RTI application, free of cost as per Section 7(6).

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3. Initiate penalty proceedings against the PIO, Dr. Sunita Pandey, under Section 20(1) of the RTI Act for the inexcusable delay and for knowingly providing a misleading reply, which amounts to a refusal of information without reasonable cause.
4. Recommend disciplinary action against the FAA, Prof. Anand K. Tyagi, under Section 20(2) of the RTI Act for failing to discharge his appellate responsibilities with due diligence and within the statutory time limit.
5. Issue any other order or direction as this Hon'ble Commission may deem fit and proper in the interest of justice and transparency.

Declaration: I hereby state that the facts mentioned above are true to the best of my knowledge and belief.

Date: 22/09/2025 Place: Mirzapur

Yours sincerely,

(Yogi M. P. Singh)

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Enclosures:

1. Copy of the RTI Application dated 13/05/2025.
2. Copy of the PIO's reply dated 11/07/2025.
3. Copy of the First Appeal dated 15/07/2025.
4. Copy of the tracking report/proof of delivery for the First Appeal.

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