VERDICTUM.IN

CNR No: PHHC010643112026
2026:PHHC:197042

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213 **CWP No.12474 of 2026 (O&M)**
Date of Decision: 03.11.2026

SUNDER LAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Animesh Sharma, Advocate with
Ms. Ishita Khanna, Advocate for the petitioner.

Ms. Saumya Ahluwalia, Senior DAG, Haryana.

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KIRTI SINGH, J. (ORAL)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India, seeking quashing of the order dated 22.01.2026 (Annexure P-10) passed by the Chief Information Commissioner, State Information Commission, Haryana, whereby the request of the petitioner for supply of videography of the Band Skill Test conducted during the recruitment process for the post of Bandsman (Constable) in Haryana Police has been declined.

2. Briefly stated, as per the pleaded case, the petitioner, who belongs to the Backward Class-B (BCB) category, applied for the aforesaid post pursuant to advertisement dated 30.11.2022 (Annexure P-1) issued by respondent No.2. The selection process, as prescribed under the advertisement, comprised a Knowledge Test carrying 20 marks, a qualifying Physical Screening Test, a Band Skill Test carrying 60 marks and other

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prescribed procedures under the relevant service rules. The petitioner qualified the Knowledge Test conducted on 07.01.2024 as well as the Physical Screening Test conducted on 27.01.2024. The lists of candidates qualifying the aforesaid tests were published on the official website of Haryana Police and have been appended as Annexures P-2 and P-3, respectively. The Band Skill Test, which carried the highest weightage in the selection process, was conducted under videography.

3. The final list of candidates recommended by the Selection Board for enrolment as Bandsman (Constable) in Haryana Police was published in February, 2024 (Annexure P-4). According to the petitioner, the said list merely reflected the names of the selected candidates without disclosing the detailed breakup of marks. Upon perusal thereof, he came to know that one Jaibir had been selected against the sole advertised post in the BCB category in the Brass Band. Questioning the selection, the petitioner filed CWP No.20239 of 2025 on 15.07.2025. During the pendency of the said petition, the State filed a reply through the Additional Director General of Police, Karnal Range, Karnal, placing on record the final selection list along with the detailed breakup of marks obtained by the selected candidates (Annexure P-5). The comparative marks of the petitioner and the selected candidate were thus disclosed. Both had secured 13.6 marks in the Knowledge Test, whereas a substantial difference was reflected in the marks awarded in the Band Skill Test. Vide order dated 08.08.2025 (Annexure P-6), the aforesaid writ petition was disposed of as not pressed, with liberty to the petitioner to avail his remedies against the result in accordance with law.

4. It is in this background that the petitioner claims disclosure of the videography of the Band Skill Test, contending that the same is the

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contemporaneous record of the assessment and would enable him to examine the fairness of the evaluation, particularly when the said test carried 60 marks out of the total 100 marks.

5. The petitioner had earlier submitted an application dated 11.11.2024 under the Right to Information Act, 2005 (for short, 'the RTI Act'), seeking information relating to candidates belonging to the BCB category, including their answer sheets, marks obtained and videography of the Band Skill Test. The SPIO-cum-Deputy Superintendent of Police, Karnal, vide order dated 12.12.2024 (Annexure P-7), declined the information on the ground that it pertained to other applicants and was exempt from disclosure under Section 8(1)(j) of the RTI Act. The first appeal preferred by the petitioner was also decided on the same grounds vide order dated 30.12.2024 (Annexure P-8). Thereafter, the petitioner approached the State Information Commission, Haryana, by way of a second appeal (Annexure P-9). While the marks obtained by the candidates were directed to be released, the request for disclosure of the videography was declined on the ground that no material had been placed on record to establish malice or prima facie subversion of the assessment process. The Commission observed that in the absence of prima facie wrongdoing or demonstrable harm to public interest, disclosure could not be directed. Hence, the present petition.

6. Learned counsel for the petitioner contends that the videography of the Band Skill Test is not private material but constitutes the contemporaneous record of a public recruitment examination conducted by a State authority. It is argued that the right to information cannot be made dependent upon the information seeker first establishing wrongdoing in the

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selection process, particularly when the very purpose of seeking the recording is to examine the fairness of the assessment. Learned counsel further submits that withholding the recording would deprive the petitioner of the opportunity to examine the evaluation undertaken by the Selection Board. In support of his submissions, reliance has been placed upon ***State of Assam and others v. Arabinda Rabha and others, 2025 SCC OnLine SC 523; Institute of Chartered Accountants of India v. Shaunak H. Satya and others, (2011) 8 SCC 781; Union Public Service Commission v. N. Sugathan, LPA No.797 of 2011, decided on 12.12.2011; Kewal Singh Gautam v. State of Chhattisgarh and others, AIR 2011 Chh 143;*** and ***Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi and another, (2012) 13 SCC 61.***

7. Per contra, learned State counsel submits that the impugned order does not suffer from any infirmity. While drawing the attention of this court to the written statement filed on behalf of respondents No.1 and 2, she submits that the recruitment process was conducted in accordance with the prescribed procedure. A total of 422 candidates who had qualified the Knowledge Test were shortlisted for the subsequent stages. Out of them, 371 candidates participated in the Physical Screening Test, of whom 222 qualified. Thereafter, 194 candidates who also cleared the Physical Measurement Test were found eligible for the further recruitment process, subject to document verification and the Band Skill Test. These candidates were called for the Band Skill Test on 28.01.2024. It is further submitted that the total 100 marks prescribed for the recruitment comprised 20 marks for the Knowledge Test, 10 marks for Additional Qualification, 10 marks for Miscellaneous and 60 marks for the Band Skill Test. The Band Skill Test, in

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turn, comprised 25 marks for Knowledge of Scales and Instrument, 25 marks for Self Choice Music and 10 marks for Sight Reading. Learned State counsel further submits that the petitioner secured 38.6 marks in the entire recruitment process, comprising 13.6 marks in the Knowledge Test, 3 marks for the NCC Certificate and 22 marks in the Band Skill Test, whereas Jaibir secured 53.6 marks, comprising 13.6 marks in the Knowledge Test and 40 marks in the Band Skill Test. The petitioner had obtained 10 out of 25 marks in Knowledge of Scales and Instrument, 12 out of 25 marks in Self Choice Music and zero out of 10 marks in Sight Reading. On the other hand, Jaibir had secured 15 out of 25 marks in Knowledge of Scales and Instrument, 20 out of 25 marks in Self Choice Music and 5 out of 10 marks in Sight Reading. Thus, according to the State, Jaibir was selected on account of higher merit. It is also pointed out that the petitioner had applied for the Bass Drum instrument, whereas Jaibir had applied for the Bb Clarinet instrument, though both belonged to the Brass Band category. The request for disclosure of the videography is, therefore, opposed on the ground that the same pertains to other applicants and is exempt under Section 8(1)(j) of the RTI Act.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. The question which arises for consideration is whether the videography of the Band Skill Test, conducted as part of a public recruitment process, can be withheld merely on the ground that it relates to other candidates and is exempt under Section 8(1)(j) of the RTI Act.

10. In ***Union Public Service Commission v. N. Sugathan (supra)***, the Division Bench of the Delhi High Court observed that an unsuccessful

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candidate participating in a selection process for public employment is entitled to know the reasons which weighed with the selecting authority in preferring another candidate over him. It was held that, without such information, an unsuccessful candidate would not be in a position to ascertain whether the selection was arbitrary or to seek appropriate judicial review against any irregularity in the appointment process. The Court also emphasised that information relating to the qualifications and experience of a person selected for a public post cannot ordinarily be withheld on the ground of confidentiality, particularly when such information has a direct nexus with the public employment sought by the candidate. The relevant paras of the said judgment read thus:

> *"7. Moreover the information seeker i.e. the respondent herein in the present case is not a stranger to the selection process but the father of another applicant. Certainly an applicant to a public post who has been overlooked is entitled to know the reasons which prevailed with the appointing/recommending authority for preferring another over him. Without such information, the applicant who has remained unsuccessful would not even be in a position to know as to why he/she was not appointed and another preferred over him/her and would also not be able to seek judicial review against the irregularity if any in the appointment/selection process. Moreover, we are unable to fathom the secrecy/confidentiality if any as to the educational qualification and experience of the selectee to a public post; such information ordinarily also is in public domain and educational qualifications and experience are something to be proud of rather than to hide in a closet. Whosoever on the basis of his educational qualification and experience seeks appointment particularly to a public office cannot claim any secrecy/confidentiality with respect thereto.*
>
> *8. It is also not the plea of the appellant UPSC that the selectee had furnished the information as to his/her educational qualification and/or experience to the appellant UPSC with any rider as to its disclosure as in fact he could not. We also find Section 8 (1) (e) and (j) under which exemption is claimed, themselves carve out an exception of the disclosure of the information being in public interest. We are of the view that disclosure of information as to the educational qualification and experience of a person selected/shortlisted for a public post is in public interest in as much as the selectee is seeking the benefit of appointment to the public post on the basis thereof and the competitors in the appointment process, if not the public are definitely entitled to know the qualifications and experience of the occupant of such public post. The Apex Court in The Institute of Chartered Accountants of India v. Shaunak H. Satya (2011) 8 SCC 781 held that the object of the RTI Act is inter alia to ensure*

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> *transparency and bring in accountability. It was further held that examining bodies should change their old mindset and tune themselves to the new regime of disclosure of maximum information.*
> *xxx xxx xxx*
> *13. In this case also the defence of the appellant UPSC was of Section 8(1) (j) of the Act. The CIC held that since length of experience was an eligibility condition for being invited for the interview, the experience certificate furnished by the candidates could not be treated as personal information and directed the appellant UPSC to provide photocopies of the experience certificates of the candidates who had been invited for the interview. The respondent/information seeker in the present case was himself one of the applicants and had not been invited for the interview. The learned Single Judge has while dismissing the writ petition held that photocopies of experience certificates cannot be held to be invasion of privacy or requiring the confidentiality under Section 8(1)(j) of the Act and further held that disclosure of such information could also be said to be in larger public interest.*
> *14. The challenge by the appellant UPSC in this appeal is the same as in LPA 797/2011 (supra) and need is as such not felt to reiterate what has already been observed hereinabove. Those who are knocked out before the interview even and did not have a chance to compete any further, are definitely entitled to know that they have not been knocked out arbitrarily to deprive them from even competing any further.*
> *15. We therefore do not find any merit in this appeal also and dismiss the same."*

11. Similarly, in ***Kewal Singh Gautam v. State of Chhattisgarh (supra),*** the High Court of Chhattisgarh, while considering the applicability of Section 8(1)(j) of the RTI Act to information relating to a departmental competitive examination, held that the conduct and evaluation of an examination for promotion to a higher post in a Government department constitutes a public activity. It was observed that the evaluated answer sheets sought by the candidates themselves could not be withheld by treating them as personal information. The Court further noticed that the process of evaluation and the marks awarded thereupon do not, merely by themselves, constitute information protected from disclosure under the aforesaid provision. It was observed that:

> *"13. In for far as the other reason for rejection of the application, invoking the provision contained in Section 8(1)(j) of the Act of 2005, that the information sought relates to personal information, the disclosure of which has no relationship to any public activity or interest or would cause unwarranted invasion of the privacy of*

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> *the individual is concerned, the same is equally misconceived in law and deserves rejection. In a case where such personal information has relationship to any public activity or interest, exemption could not be claimed. In the present case, the petitioner has sought supply of certified copy of answer sheets written by they themselves. None of the petitioners in the two writ petitions have sought any personal information relating to any third party or personal information either of the examiner or the person who has conducted examination or any other candidate who appeared in the examination. Moreover, this Court has no hesitation in saying that the conduct of examination in the present case by the departmental agency for the purposes of promotion from lower rank to higher rank in Govt. department, are not private activities, but in public domain. Therefore, where a candidate asked for information regarding his own performance in a departmental competitive examination and in that connection demands copy of his own answer sheets which are assessed/ evaluated by the examiner, without asking for any personal information of any other person concerning with the process and conduct of examination, provision of Section 8(1)(j) of the Act of 2005 are not at all attracted. It also cannot be said that said disclosure of information would cause unwarranted invasion of the privacy of some individual. There are no factual foundations laid in the pleading of the respondents nor borne-out from the records of the case. The checking and evaluation of answer sheet by an examiner and the marks given by him upon assessment of performance has nothing to do with the privacy of either the examiner or those who are responsible for conducting the examination. In the case of Dr. Mrs. Anson Sebastian (supra), where one employee sought information pertaining to documents relating to domestic enquiry against another employee and also for getting entries in confidential report of six other employees of the appellant, repelling the claim of exemption under Section 8(1)(j) of the Act of 2005, the Division Bench of High Court of Kerala held that provision of Section 8(1)(j) are not attracted. It was held that the confidential reports of employees managed by the employer cannot be treated to be records pertaining to personal information of an employee, disclosure of which can be said to be exempted under Section 8(1)(j) of the Act. The case of the petitioners in the two petitions in hand, stands on a much better footing. Therefore, I am of the considered opinion that the rejection of petitioners application for supply of certified copies of their assessed/evaluated answer sheet is illegal as no exemption could be claimed under Section 8(1)(e) and Section 8(1)(j) of the Act of 2005."*

12. The aforesaid decisions, though rendered in the context of disclosure of information relating to qualifications, experience and evaluated answer sheets, underscore the importance of transparency in selection processes undertaken for public employment. The principle emerging therefrom is that information having a direct nexus with a public recruitment process cannot be denied merely by labelling it as personal information,

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without examining the nature of the information sought and the applicability of the statutory exemption.

13. Adverting to the facts of the present case, it is not in dispute that the Band Skill Test was an integral component of the recruitment process and carried 60 marks out of the total 100 marks. The recording sought by the petitioner pertains to the performance of candidates in the said test and constitutes the contemporaneous record of the assessment undertaken by the Selection Board. The petitioner himself participated in the recruitment process and seeks the recording in order to examine the assessment which substantially contributed to the final merit.

14. The comparative marks placed on record by the State also show the relevance of the information sought. Both the petitioner and Jaibir secured 13.6 marks in the Knowledge Test. The petitioner was additionally awarded 3 marks for his NCC Certificate. However, in the Band Skill Test, the petitioner secured 22 marks out of 60, whereas Jaibir secured 40 marks out of 60. Consequently, the petitioner obtained an overall score of 38.6 marks as against 53.6 marks obtained by Jaibir. Thus, the difference in the overall merit is substantially attributable to the marks awarded in the Band Skill Test, the very assessment whose recording is sought by the petitioner.

15. The contention of the State that the petitioner had applied for Bass Drum whereas Jaibir had applied for Bb Clarinet has also been noticed. However, the said distinction does not, by itself, answer the question as to whether the recording of the assessment conducted by the Selection Board is exempt from disclosure under Section 8(1)(j) of the RTI Act. The present proceedings are not concerned with determining the comparative musical proficiency of the two candidates or the correctness of the marks awarded to

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them. The limited issue is whether the petitioner can be denied access to the contemporaneous record of a test conducted as part of a public recruitment process.

16. The further reasoning adopted by the State Information Commission that the petitioner was required to establish prima facie malice or subversion of the selection process before seeking disclosure also cannot be accepted. The right to seek information cannot be made dependent upon the information seeker first establishing the very irregularity which the information is sought to examine. Such a requirement would defeat the purpose of seeking access to the relevant record. Where the information sought directly relates to the assessment of candidates in a public recruitment process, the requirement of transparency and accountability assumes significance.

17. In the present case, the respondents have sought to justify the denial of information only on the ground that the videography relates to other applicants and is exempt under Section 8(1)(j) of the RTI Act. However, the recording is not an unrelated personal document but forms part of the record of the assessment conducted by a public authority for recruitment to public posts. The mere fact that the recording also contains the performance of other candidates would not, by itself, justify withholding the entire information from an unsuccessful candidate who had participated in the same recruitment process and seeks access to the record having a direct bearing on the selection.

18. In view of the aforesaid discussion and the principles laid down in the judgments noticed hereinabove, this Court is of the considered opinion that the denial of the videography of the Band Skill Test cannot be sustained.

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The impugned order, to the extent it declines disclosure of the said information, therefore, warrants interference.

19. Accordingly, the present writ petition is allowed. The impugned order dated 22.01.2026 (Annexure P-10), to the extent it denies disclosure of the videography of the Band Skill Test, is set aside. The authorities are directed to furnish the requisite information to the petitioner within a period of 30 days from today.

20. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

03.11.2026 **(KIRTI SINGH)**
SwarnjitS **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No