

**Dr. Jaswinder Singh**  
Principal / Appellate Authority  
SGTB Khalsa College, University of Delhi  
North Campus  
Delhi -110007

Sub: 1<sup>st</sup> Appeal under section 19 of the RTI Act my RTI application

Respected Sir,

This has a reference to my application under RTI Act dated 5<sup>th</sup> March 2010 to the PIO SGTB Khalsa College seeking certain information/ documents etc. vis-à-vis study leave granted to / availed by the teachers of SGBT Khalsa College (copy enclosed for ready reference). As per the postal delivery records the application under reference was received by the PIO on **6<sup>th</sup> March 2010** (delivery records enclosed for kind reference)

Now, through his communication bearing reference no. RTI/36 dated 05/07 April 2010 and received by me on 9.4.2010, the PIO has claimed to have provided para-wise replies to the information sought, whereas even a cursory perusal of the said communication clearly shows that many vital information have either not been provided / withheld deliberately and on wrong premises, information have also been truncated. Attempts are also seen to deny, hide or provide misleading and incomplete information is also seen from the reply under reference.

As indicated in my application dated 5.3.2010, the information sought for are of very important and urgent nature and non-provision/ withholding/ refusal to provide the same clearly amounts to negating my rights under the RTI Act.

In view of this, I would like to draw your kind attention to the following facts as the first Appellate Authority and request you to kindly pass appropriate orders / directions to the PIO to provide all relevant information / documents/ records etc. as sought in my application dated 5.3.2010 without any further delay free of charge as per the provision of 7(6) of RTI Act 2005.

- (1) Whereas, in para 1(a) of my application dated 5.3.2010, I had sought (i) copy of the leave application made by Mrs. Zutshi for grant of study leave, (ii) copies of all file noting recording the processing of the application of Mrs. Zutshi / approval thereof by the competent authority, (iii) copy of the communication issued by the college conveying sanction of the study leave by the competent authority

- While a copy of the communication dated 7.8. 2002 issued by the Assistant Registrar DU conveying sanction of the study leave has been provided by the PIO information/document as at (i) (ii) and (iii) have not been provided.

**Appeal:** You may therefore kindly direct the PIO to provide the same.

<p><b>SRI GURU TEGH BAHADUR KHALSA COLLEGE, DELHI-7</b> Receipt No. <u>ATI/57</u></p> <p>15 APR 2010</p> <p>S.O. (Admn.) Accounts/Lib. Convener Deptt. of.....</p> <p>Principal</p>
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(2) Whereas, in para 1( c ), of my application dated 5.3.2010, I had sought copies of subsequent applications made by Mrs. Zutshi for extension of her period of study leave and leave of any nature including the Extra Ordinary leave covering the whole period of leave that is study leave plus EOL i.e from 18.8.2003 onwards. In para 1(d) of my application I had sought copies of **file notes** where the same applications of Mrs. Zutshi as mentioned above were processed and examined separately for each of the applications covering the period from 19.8.05 onwards till the time she was sanctioned Extraordinary leave or leave of any nature in continuation with her study leave.

- vide his reply under reference the PIO has only provided me the following: (i) copies of applications of Ms. Zutshi dated 9.6.2003/ 22.7.2003 for the extension of study leave for one year from **19.8.2003**, (ii) copy of application of Ms. Zutshi dated 5.7.2004 for the extension of study leave for one year from **19.8.2004**, (iii) copy of application of Ms. Zutshi dated 15.6.2005 for one year of EOL from **19.8.2005** for academic requirement of completion of Ph.D (iv) copy of application of Ms. Zutshi dated 30.5.2006 for one year of EOL from **19.8.2006** for academic requirement of completion of Ph.D, (v) copy of application of Ms. Zutshi dated 08.01.2008 for grant of EOL from **21.1.2008 to 16.7.2008** for academic requirement of completion of Ph.D (vi) copy of application of Ms. Zutshi dated 20.06.2008 for grant of EOL/any leave from **16.7.2008 till 22.12.2008** for academic requirement of completion of Ph.D .

**Appeal:** - the PIO has deliberately ignored this and has failed to provide the **requisite file notes as sought in 1(d)**. Since these documents/ file notes are of very vital consequence and importance for determining the consistency in application of rules/ malafides /discrimination if any for similarly situated persons, you are requested to kindly pass necessary orders to the PIO to provide the same without any further delay.

(3) Whereas, in para 1( e ), of my application dated 5.3.2010, I had sought copies of **minutes of college governing body meetings** recording decisions taken vis-à-vis sanction of extraordinary leave or leave of any other nature to Mrs. Madhvi Zutshi Lecturer in conjunction with and continuously with her study leave beyond 18.08.2005.

- vide his reply under reference the PIO has wrongly taken a stand that "copies of the minutes of the Governing body proceedings/ recordings decisions taken sanctioning Extra Ordinary Leave to Mrs. Madhvi Zutshi cannot be provided as they are marked confidential and cannot be provided unless and until permitted by Governing Body"

**Appeal:** (a) this stand of the PIO is outside the scope of **sections 8 to 11** of the RTI Act 2005. Under the Act, the Governing Body of the college has not been vested with any special right to preclude any information by marking it "**confidential**" deriding the right granted to the citizen. Sub-section 8(j) of the Act provides "Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person".

(b) The **minutes of the Governing body meetings** are important for determining the consistency in application of rules/ malafides /discrimination if any for similarly situated persons on the basis of caste, creed, community, religion etc.

You are therefore requested to kindly pass necessary orders to the PIO to provide the same without any further delay.

(4) Whereas, in para 1( g ), of my application dated 5.3.2010, I had sought copies of all documents wherein remarks/observations/orders passed by the Principals of the college including that of the present Principal Dr. Jaswinder Singh have been recorded vis-à-vis grant of extraordinary leave to Mrs. Madhvi Zutshi in continuation with her study leave.

- vide his reply under reference the PIO while stating that "the copies the documents showing remarks/observations/orders passed by the principal/s of the college are being sent" has actually failed to enclose those.

**Appeal:** The PIO may be kindly directed to provide the copies of these documents immediately.

(5) Whereas, in para 1(h), of my application dated 5.3.2010, I had sought copies of any document which records the observation of Dr. Jaswinder Singh Principal that as per Delhi University Leave Rule, no college teacher can remain absent from duty continuously for more than 3 years while sanctioning extraordinary leave to Mrs. Madhvi Zutshi in continuation to her 3 yrs. Study leave.

Vide his reply under reference the PIO has stated "when Dr. Jjaswinder Singh took over as Principal of the college, Mrs. Madhvi Zutshi was already sanctioned Extra Ordinary Leave."

-this is a **manipulated information and not entirely correct**. As can be seen from the reply of the PIO under para (f) Dr. Jaswinder Singh took over as Principal of SGTB Khalsa College w.e.f 7.11.2005 A.N and as can be seen from documents provided by the PIO in response to para (c) excepting for the application of Ms. Zutshi dated 15.6.2005 requesting for 1<sup>st</sup> year of EOL in continuation with the 3 year Study leave, all the subsequent prayers for extensions of EOL by Mrs. Zutshi was made when Dr. Jaswinder Singh has been the Principal. Hence, the PIO has **clearly attempted to mislead** and deny the legitimate information to the applicant.

**Appeal:** you are therefore requested to kindly direct the PIO to provide the documents/ records/ information sought under para 1(h), of my application dated 5.3.2010 as these are of **vital importance to determine the even handed application of rules by the Principal.**

(6) Under Para 2(i) to (iii) of my RTI application dated 5.3.2010, I had sought specific documents/ information etc. as detailed therein, the PIO while stating that " documents are supplied" has only provided information required under 2(i) and has failed to provide/ withheld information / documents/ records sought under 2(ii) and 2(iii).

**Appeal:** you are therefore requested to kindly direct the PIO to provide the documents/ records/ information sought under para 2(ii&iii), of my application dated 5.3.2010 as these are of **vital importance to determine the even handed application of rules by the Principal.**

(7) Without providing any specific reply/ information/ documents as sought in para(s) 3 to 8 of my RTI application dated 5.3.2010, the PIO has simply stated that "as some of the matter pertains to **Third Party**", I may visit the college and access the personal files.

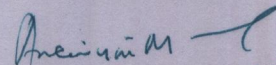
- In this connection I would like to mention that the information/documents sought by me in Para 3-8 of my application dated 5.3.2010 do not attract provisions relating to the Third Party information under sub-section 11 of the RTI Act. Moreover, the information sought under paras 3-8 are only in continuation to information sought under paras 1-2 of the same application reply/ documents to some of which have already been provided by the PIO without referring to the provisions relating to the Third Party.

Qrs. No. 711, Sector-IV  
R. K. Puram, New Delhi -110022

**Appeal:** While reserving my rights to inspect files/ documents relating to the issue at a mutually convenient date and time as offered by the PIO and as requested by me in para 9 of my application dated 5.3.2010, I have to inform that due to prior commitments I shall be constantly away from Delhi over the next couple of weeks, I would therefore request you to kindly direct the PIO to provide the information/ documents/ records sought under para 3-8 of my RTI application dated 3.5.2010 urgently without any further delay. **Any amount payable towards photocopy or other charges as admissible under the RTI Act 2005** may please be communicated to me at the earliest so as to enable me to deposit the same with the designated officer through my representative/ post.

Thanking you.

Yours faithfully,



(Amlan Majumdar) 12/4/10

711, R. K. Puram Sector-IV  
New Delhi -110022

Ph. 9810224854

Enclosed: as above.

Copy forwarded to the Chief Information Commissioner (**Shri P KP Shreysaskar** Deputy Secretary & Joint Registrar) by name. August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110 066, for information.

pkp.shreyaskar@nic.in

Madhvi Zutshi (English)

To

The Principal

Sri Guru Tegh Bahadur Khalsa College

University of Delhi

Delhi-7.

A.B. Aggarwal  
21

Subject: Application for Extraordinary Leave

Dear Sir,

This is to request you to kindly grant me Extraordinary Leave for Academic Purposes from 21<sup>st</sup> January 2008 till 16<sup>th</sup> July 2008 in order to enable me to complete my Ph.D thesis

As you are aware, I am in the final stage of my Ph.D. thesis at Rutgers University, New Jersey, U.S.A. and I require this leave to finish and submit my thesis. I have attached a letter from my supervisor at Rutgers University about my progress and the requirement for me to be there and complete my Ph.D. formalities.

I would be very grateful to you for your assistance in this matter.

Thanking you,  
yours sincerely,  
Madhvi Zutshi

8<sup>th</sup> January, 2008

(MADHVI ZUTSHI)  
DEPT. OF ENGLISH



Ref. No. RTI/270

Dated : 07.05.2010

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Mr. Amlan Majumdar,  
711, R.K. Puram,  
Sector-IV, New Delhi - 110022.

This is in continuation of our reply dated RTI/36 dated 05/07.04.2010 sent to you in response to your request dated March 05, 2010 seeking information under RTI Act and further to your application dated 12 April, 2010 addressed to the Appellate Authority of the College.

As directed by the Appellate Authority of the College, your queries are replied hereasunder:

- 1 and 2 Copies of the applications submitted by Mrs. Madhvi Zutshi for grant of Study Leave for 2<sup>nd</sup> and 3<sup>rd</sup> year are provided herewith alongwith her applications for grant of Extra-ordinary leave. The copies of the communications sent to Mrs. Madhvi Zutshi are also being sent
3. Again it is reiterated that the minutes of the Governing Body meetings are marked confidential. Since the copies of the documents related with grant of Study Leave and Extra-ordinary leave have been supplied, the procedural papers becomes irrelevant. The subject to release the copies of the Governing body proceedings pertains to third party and permission from the GB is needed. The request shall be placed before the meeting of the GB in its next meeting as and when it is held.
4. Reiterated that Dr. Jaswinder Singh took over Principal of the institution on 07.11.2005 when Mrs. Madhvi Zutshi was already on Extra-ordinary leave for the first year in continuation of Study Leave. Here it is added that ignorance of rules by the previous College administrators cannot be construed as a precedent and leave of any kind cannot be claimed as a matter of right. However the documents requested for are supplied as per reply at 1.

It is also added that maximum information was supplied vide no. RTI/36 dated 5/7.04.2010. The applicant was also invited to visit the College to look for himself into the records and copies of the documents shall be provided on his request.

(Gurbaksh Singh)  
Public Information Officer



Phone: 27667469, 27666220 (fax) [khalsasgtb@del3.vsnl.net.in](mailto:khalsasgtb@del3.vsnl.net.in)  
**SRI GURU TEGH BAHADUR KHALSA COLLEGE**  
**UNIVERSITY OF DELHI**  
**DELHI-110007**

Ref. No. P/EOL/1386-1388

Dated: 28.7.2006

01-08-

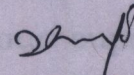
✓  
Mrs. Madhvi Zutshi,  
Department of English,  
Rutgers University,  
510 George Street,  
New Brunswick, NJ 08901,  
U.S.A.

Dear Mrs. Zutshi,

I am pleased to inform you that the Chairman, Governing Body in anticipation of the approval of the Governing Body of the College has acceded to your request for grant of extension in extra-ordinary leave.

This is further to inform you that you have been sanctioned extra-ordinary leave for one more year with effect from 19.8.2006 to complete Ph.D studies. You must note that no further extension in leave shall be permissible to you.

This is further to remind you that it is obligatory on your part to send six-monthly progress reports from your supervisor in respect of your studies.

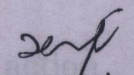
  
(Jaswinder Singh)  
Principal

Copy to:

1. S.O. (Accounts) for information
2. The Convener, Department of English for information

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2. The Convener, Department of English for information

  
Principal