

V.G.S Ubeysekara Vs. Ministry of Health and Indigenous Medical Services

RTIC Appeal (Documentary Proceeding) 1601/2019- Order adopted as part of a formal meeting of the Commission on 02.06.2019.

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

Chairperson: Mr.MahindaGammampila

Commission Members: S.G. Punchihewa
Dr. SelvyThiruchandran
Justice RohiniWalgama

Director General: Mr. D.G.M.V Hapuarachchi

Appellant: V.G.S.C Ubeysekara

Notice Issued to: Designated Officer,

RTI Request filed on	06.05.2019
IO responded on	No response
First Appeal to DO filed on	27/05/2019
DO responded on	Acknowledgement
Appeal to RTIC filed on	28.06.2019

Facts surfaced in the appeal;

The appellant by his request dated on the above date had requested the following items of information, from the Information Officer of the Public Authority vis a vis;

1. A list of final marks obtained by all the candidates.
2. A breakdown of the final marks obtained by me with regard to seniority, educational qualifications, research/publications, interview.
3. A detailed description as to how these 10 (10) marks have been allocated to the candidates at the oral interview.

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4. Details of any changes took place in the marks of the interview and the details of the subsequent changes if there had been any changes.

As information officer has failed to respond to the request of the Appellant, the Appellant has made an appeal to the Designated Officer on 27.05.2019. Even though the Designated Officer has sent an acknowledgement letter to the Appellant regarding his Appeal, the Designated Officer too failed to respond to Appellant's information request.

Therefore an appeal was made by the Appellant to the Commission on 28/06/2019. Consequently the Commission noticed both parties from the letter dated 02/12/2019 to appear before the Commission for the appeal hearing on 13th January 2020.

Matters arising during the hearing of the appeal;

The Commission noticed that after receiving the prior notice the Additional Secretary (Admin) of the Ministry of Health has sent a letter dated 24.07.2019 to the Information Officer advising him to either to provide the requested information or to deny the request giving proper reasons under the section 05 of the Right to Information Act No. 12 of 2016.

However the Information Officer has replied to the above mentioned letter from a letter dated 31.07.2019 stating that the requested information is not in the possession of his division and therefore he has referred the said application to the Health Secretary's Office.

For the hearing of the Appeal on 13.01.2020 both parties were present.

It was observed by the Commission that the requested information relates to a mark sheet of an interview which is a public document and if it is in the possession or control of the public authority, the public authority is obliged to provide those information. Therefore the Commission was in the view that the said information can be provided to the Appellant. Furthermore it is the duty of the Information Officer to gather the requested information from the relevant division of the Ministry.

Therefore the Commission was of the view that the appeal could be concluded accordingly.

At the Right to Information Commission of Sri Lanka

Order;

The Commission order the Public Authority to provide the requested information to the Appellant or if not give reasons under the Section 05 of the Right to Information Act No. 12 of 2016 for not providing the requested information to the appellant copying to the Commission within 14 days of receipt of this order.

Thus the appeal stands disposed accordingly.

Order is hereby conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).
