



2025:KER:83584

W.P(C) No.42877/24

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 5<sup>TH</sup> DAY OF NOVEMBER 2025 / 14TH KARTHIKA, 1947

WP(C) NO. 42877 OF 2024

PETITIONER/S:

- 1 THE KERALA DEVASWOM RECRUITMENT BOARD,  
2ND FLOOR, DEVASWOM BOARD BUILDING, MAHATMA GANDHI RD, OPP.  
GOVT. AYURVEDA COLLEGE, THIRUVANANTHAPURAM,  
KERALA, REPRESENTED BY ITS SECRETARY., PIN - 695001
- 2 THE STATE PUBLIC INFORMATION OFFICER,  
THE KERALA DEVASWOM RECRUITMENT BOARD, 2ND FLOOR, DEVASWOM  
BOARD BUILDING, MAHATMA GANDHI RD, OPP. GOVT. AYURVEDA  
COLLEGE, THIRUVANANTHAPURAM, KERALA, PIN - 695001
- 3 THE APPELLATE AUTHORITY,  
THE KERALA DEVASWOM RECRUITMENT BOARD, 2ND FLOOR, DEVASWOM  
BOARD BUILDING, MAHATMA GANDHI RD, OPP. GOVT. AYURVEDA  
COLLEGE, THIRUVANANTHAPURAM, KERALA, PIN - 695001

BY ADVS.

SRI.V.V.NANDAGOPAL NAMBIAR  
SMT.PREEJA. P.VIJAYAN  
SMT.SMITHA (EZHUPUNNA)  
KUM.PAVAN ROSE JOHNSON  
SMT.VANDANA BHAT T.V.

RESPONDENT/S:

- 1 STATE INFORMATION COMMISSION,  
KERALA REPRESENTED BY ITS SECRETARY, PUNNAN ROAD,  
THIRUVANANTHAPURAM, PIN - 695039
- 2 SHINOD.V,  
VALAPPIL HOUSE, P.M KUTTY ROAD, ERANHIPALAM P.O, KOZHIKODE,  
PIN - 673006
- 3 VALSAN KUNJOLATHILLATH  
S/O.SUBRAMANIAN NAMBOODIRI, HOUSE NO. 1/3841-A, NEAR GAS  
GODOWN, BILATHIKULAM, ERANJIPALAM P.O., KOZHIKODE



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(IMPLEADED AS PER ORDER DATED 05/11/2025 IN I.A.1/2025 IN  
W.P(C) .42877/2024)

BY ADVS.

SHRI.C.S.GOPALAKRISHNAN NAIR  
SMT.CHANDINI G.NAIR  
SHRI.M.AJAY,SC -FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
14.10.2025, THE COURT ON 05.11.2025 DELIVERED THE FOLLOWING:



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**MOHAMMED NIAS C.P.,J.**

**W.P(C) No.42877 of 2024**

Dated this the 5<sup>th</sup> day of November, 2025

**JUDGMENT**

The petitioner is a Board constituted by the Government in exercise of the powers conferred by sub-sections (1) and (3) of Section 3 of the Kerala Devaswom Recruitment Boards Act, 2015. The Board prepares a select list of candidates for appointment to various posts, other than hereditary posts and the posts in aided educational institutions in Devaswom Boards of the State of Kerala. The Board, an independent and autonomous body corporate, conducts written/objective/OMR tests, interviews, etc., for selection. The Board, since its constitution, has successfully conducted recruitment processes for various posts permissible under the Act and Rules.

2. The 2<sup>nd</sup> respondent filed Ext. P1 application under Section 6 of the Right to Information Act, 2005, (hereinafter referred to as 'the RTI Act'), seeking certain information with respect to the select list notified



on 16.12.2021 for the post of Executive Officer Grade IV (Category No. 37/2020) under the Malabar Devaswom Board.

2.1. The first question in Ext. P1 application is as follows:

*“An interview board was constituted for selecting the candidates. Who were the member of the Interview Board? Please give their name and official designations.”*

However, the 2<sup>nd</sup> petitioner by way of Ext. P2 reply letter dated 24.04.2023 informed the 2<sup>nd</sup> respondent that the details sought by him cannot be disclosed as the confidential nature and secrecy of the interview is to be protected.

2.2. Dissatisfied with Ext.P2 reply given by the 2<sup>nd</sup> petitioner, 2<sup>nd</sup> respondent filed Ext.P3 appeal before the 3<sup>rd</sup> petitioner. After considering the appeal on merits, the 3<sup>rd</sup> petitioner confirmed that the reply given by the 2<sup>nd</sup> petitioner is sufficient and by Ext. P4 letter dated 17.05.2023, the 3<sup>rd</sup> petitioner communicated the same to the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent challenged Ext.P4, by filing Ext.P5 appeal, before the 1<sup>st</sup> respondent, State Information Commission.

2.3. Pursuant to the filing of Ext. P5 appeal, the 1<sup>st</sup> respondent commission, vide letter dated 26.06.2023, directed the 3<sup>rd</sup> petitioner to file



a detailed report in the matter and also to furnish a copy of related documents. As directed by the 1<sup>st</sup> respondent Commission, the 2<sup>nd</sup> and the 3<sup>rd</sup> petitioners filed Exts.P6 and P7 reports dated 12.07.2023. These reports pointed out that the disclosure of the names and addresses of the subject experts of the Interview Board would ex facie endanger their lives or personal safety. After a hearing conducted on 05.09.2024, the 1<sup>st</sup> respondent issued Ext.P8 order dated 10.10.2024, whereby petitioners were directed to give details of the Interview Board within 7 days. It is contended that the impugned Ext.P8 order of the State Information Commission directing disclosure of the names and details of members of the Interview Board constituted for the selection to the post of Executive Officer Grade IV (Category No. 37/2020) under the Malabar Devaswom Board is illegal and unsustainable.

2.4. It is submitted that the disclosure of the names of the subject experts and members of the Interview Board would defeat the very object of maintaining confidentiality in recruitment processes. The identity of subject experts is kept confidential to prevent undue influence, interference, or pressure upon them in future engagements. Such confidentiality ensures impartiality and protects the integrity of the



selection process.

2.5. The petitioners rely on the judgment of the Hon'ble Supreme Court in *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi* [(2012) 13 SCC 61], wherein it was categorically held that disclosure of the names and addresses of members of an Interview Board would ex facie endanger their lives or physical safety and would serve no fruitful public purpose. The Supreme Court clarified that while marks may be disclosed to ensure transparency, the disclosure of individual identities of board members has no relevance to the objectives of the RTI Act.

2.6. The petitioners further rely on the decision of this Hon'ble Court in *Kerala Public Service Commission v. State Information Commission* [2016 (1) KLT 534], where it was held that disclosing the names of examiners could expose them to retaliation or harm from unsuccessful candidates, and therefore, such information is exempt under Section 8 of the RTI Act.

2.7. It is contended that the details of subject experts are held by the Board in a fiduciary capacity and hence exempted from disclosure under Section 8(1)(e) of the RTI Act. The experts serve in confidence and trust, and disclosure of their identities would violate the fiduciary



relationship, discourage competent experts from associating with the Board, and ultimately undermine the quality and objectivity of future recruitments.

2.8. The petitioners also submit that disclosure of such details would attract the exemption under Section 8(1)(g) of the RTI Act, as it would endanger the life or physical safety of the subject experts. The possibility of harassment or retribution by unsuccessful candidates cannot be ruled out if such personal details are made public.

2.9. The information sought is also covered by the exemption under Section 8(1)(j), being personal information of third parties having no relationship to any public activity or interest, and its disclosure would cause unwarranted invasion of their privacy without serving any larger public interest. It is argued that the Commission failed to properly consider these statutory exemptions and the judicial precedents directly applicable to the issue. The impugned order was passed mechanically and without proper application of mind to the legal and factual aspects.

2.10. The petitioners also submit that there was no public interest warranting such disclosure. On the contrary, disclosure would adversely affect the fairness, neutrality, and integrity of recruitment



conducted by the Board. The petitioners contend that the impugned order was issued in violation of the principles of natural justice, as the submissions and Exhibits P6 and P7 reports filed by the petitioners were not duly considered by the Commission before issuing the direction to disclose the information.

2.11. For these reasons, the petitioners pray that Exhibit P8 order of the State Information Commission be quashed as arbitrary, illegal, and contrary to the provisions of the Right to Information Act and the law laid down by the Hon'ble Supreme Court and this Court.

3. The 2<sup>nd</sup> respondent submits that the writ petition is devoid of merit and liable to be dismissed. Ext.P8 order of the State Information Commission directing disclosure of the names of the members of the Interview Board is fully justified and issued in the proper exercise of powers vested under the Right to Information Act, 2005. The 2<sup>nd</sup> respondent states that the information sought under the RTI Act related to the composition of the Interview Board, which conducted the interview for the post of Executive Officer Grade IV in the Malabar Devaswom Board. The request was made in good faith to verify whether the process of selection had been conducted in a fair and transparent manner.



3.1. It is averred that the selection process in question was marred by allegations of favoritism. One Shri. Valsan Kunjolathillath, who possessed superior qualifications and extensive service experience under the Malabar Devaswom Board, was denied selection, while another candidate, Sri. Sajith, who was allegedly ineligible, was shortlisted and included in the select list. It was reliably learnt that the Commissioner of the Malabar Devaswom Board was one of the Board members who conducted the interview. Based on such information, the 2<sup>nd</sup> respondent sought the names and designations of the members of the Interview Board to confirm whether the Commissioner of the Malabar Devaswom Board, who was alleged to have shown undue favour, was also part of the Interview Board that conducted the interviews. The said information was necessary to establish the extent of conflict of interest and procedural impropriety in the recruitment process.

3.2. The 2<sup>nd</sup> and 3<sup>rd</sup> petitioners, however, declined to furnish the said details despite there being no legitimate exemption under the RTI Act applicable to the information sought. The matter was therefore carried in a second appeal before the State Information Commission under Section 19(3) of the RTI Act. Upon due consideration, the State



Information Commission issued Ext.P8 order directing the petitioners to furnish the information, finding that disclosure of the composition of the Interview Board was necessary to uphold transparency and accountability in the recruitment process conducted by a statutory body. The information sought pertained to the discharge of official duties by public officials and therefore could not be treated as “personal information” within the meaning of Section 8(1)(j) of the RTI Act.

3.3. The 2<sup>nd</sup> respondent contends that the claim of the petitioners based on Section 8(1)(e), (g) and (j) of the RTI Act is wholly misconceived. The identity of officers or members who serve in a public capacity for conducting interviews cannot be equated with private or confidential information. Their participation in the selection process forms part of an official function performed on behalf of a public authority, and therefore, disclosure of such information is in furtherance of public interest and transparency. The 2<sup>nd</sup> respondent further submits that the petitioners' reliance on *Bihar Public Service Commission* (supra) is misplaced and inapplicable to the facts of this case. The said decision was rendered in a different factual context and does not justify withholding information that is necessary to expose irregularities and ensure fair conduct of



recruitment by a public body.

3.4. It is specifically pointed out that the Commissioner of the Malabar Devaswom Board was indeed one of the members of the Interview Board, as confirmed from the information ultimately furnished. The inclusion of the Commissioner, who was alleged to have favoured a particular candidate, constitutes a serious conflict of interest and undermines the fairness of the entire selection. The 2<sup>nd</sup> respondent submits that had the petitioner furnished the information at the initial stage as sought in Et.P1, it could have materially affected the adjudication of W.P.(C) No. 6099 of 2021 and Writ Appeal No. 995 of 2023, both of which involved challenges to the same selection. The deliberate withholding of information by the petitioners caused prejudice and affected the course of justice in those proceedings.

3.5. The 2<sup>nd</sup> respondent asserts that the State Information Commission acted strictly within its jurisdiction and applied correct principles of transparency and accountability in ordering disclosure. The order does not violate any exemption clause under Section 8 of the RTI Act and is in complete consonance with the objects and purpose of the RTI Act. It is therefore contended that the present writ petition is only an



attempt by the petitioner Board to shield procedural irregularities in the selection process and to protect the officials involved from public scrutiny. There being no legal infirmity in the impugned order, the writ petition deserves to be dismissed.

4. The petitioners, in reply to the counter affidavit filed by the 2<sup>nd</sup> respondent, submitted that the statements of the 2<sup>nd</sup> respondent are factually incorrect and legally untenable. The petitioners specifically dispute the 2<sup>nd</sup> respondent's allegation that the notification for the by-transfer appointment to the post of Executive Officer Grade IV (Category No. 37/2020) stated that candidates with higher educational qualifications and more experience would be preferred. There is no such clause in Notification No. 50/Recr./2015/KDRB dated 18.04.2020. The said statement is false and intended to mislead this Court.

4.1. It is clarified that under Rule 7(4) of the Kerala Devaswom Recruitment Board Rules, 2015, when an oral test is conducted by the Board, the concerned Devaswom Board is invited to nominate a representative to be present at the interview. Such a representative may participate in the deliberations of the Board but is not entitled to award marks or influence the assessment. In the present case, the Commissioner



of the Malabar Devaswom Board attended the interview only in the capacity of the statutory representative of the Board. He had no power to evaluate or assign marks to any candidate. The allegation of favouritism or bias attributed to him by the 2nd respondent is therefore wholly baseless.

4.2. The petitioners point out that the selection process was duly conducted by a competent interview board consisting of the Chairman and Members of the Kerala Devaswom Recruitment Board and subject experts in the relevant field. The entire process was transparent and in full conformity with the statutory rules. The 2<sup>nd</sup> respondent's attempt to project mala fides or irregularity is without factual foundation. It is further submitted that the allegations of favouritism by the Commissioner of the Malabar Devaswom Board were already raised and adjudicated in W.P.(C) No. 6099 of 2021 and W.A. No. 995 of 2023, both filed by Shri. Valsan Kunjolillath. The High Court, by judgment dated 28.02.2023 in W.P.(C) No. 6099 of 2021, found that the interview was conducted by a competent Board and that the process of awarding marks was objective and without bias. The said judgment was affirmed in appeal. Hence, the very foundation of the 2<sup>nd</sup> respondent's contentions stands



concluded by judicial findings.

5. Heard Sri. Nandagopal Nambiar V.V., learned Standing Counsel for the petitioners, and Sri. M.Ajay, learned Standing Counsel appearing for the State Information Commission.

6. The issue that arises for consideration in this writ petition is whether the direction issued by the 1<sup>st</sup> respondent-State Information Commission, as per Ext.P8, requiring the petitioners to disclose the names and designations of the members of the Interview Board constituted for the selection to the post of Executive Officer Grade IV (Category No. 37/2020) under the Malabar Devaswom Board, is legally sustainable in the light of the exemptions contemplated under Section 8 of the RTI Act, 2005.

7. In *Bihar Public Service Commission* (supra), the Apex Court, after a detailed analysis of Section 8(1)(g), held that disclosure of the names and addresses of members of an Interview Board would ex facie endanger their lives or physical safety, and that such disclosure serves no fruitful public purpose. The Court observed that transparency in recruitment processes is sufficiently achieved by disclosure of marks and criteria, and not by revealing the identity of examiners or interviewers.



The Court categorically held that the “element of bias” or allegations of irregularity cannot justify disclosure where statutory exemptions clearly apply.

8. Similarly, in *Kerala Public Service Commission* (supra), the Hon’ble Supreme Court held that the relationship between a Public Service Commission and the examiners or interviewers engaged by it is fiduciary in nature, and therefore, exempt under Section 8(1)(e) of the RTI Act. It was held that disclosure of the identities of such persons would expose them to possible retaliation or harassment by unsuccessful candidates and would ultimately undermine the integrity of future recruitment exercises. The Apex Court explicitly concluded that while disclosure of answer sheets or marks may be warranted to ensure fairness, the names and identities of examiners or interviewers shall not be disclosed under the RTI Act.

9. Having considered the rival contentions and examined the legal position, I am of the view that the controversy is squarely covered by the authoritative pronouncements of the Hon’ble Supreme Court in *Bihar Public Service Commission* (supra) and *Kerala Public Service Commission* (supra). The contention of the 2<sup>nd</sup> respondent that disclosure was



necessary to expose alleged irregularities cannot override the statutory exemptions provided under Section 8(1) of the RTI Act. Allegations of bias or misconduct in a recruitment process are to be pursued through appropriate legal proceedings and not by compelling disclosure of exempt information contrary to law.

10. Further, I find merit in the petitioners' contention that the information sought is also exempt under Section 8(1)(j), being personal information of third parties unrelated to any public activity or interest. The identity of experts and interviewers is not information intended for the public domain; disclosure would cause unwarranted invasion of privacy and may deter qualified experts from associating with such Boards in the future.

11. The State Information Commission, while passing Ext.P8, has failed to balance the requirement of transparency with the legitimate need to preserve confidentiality and protect individuals involved in quasi-judicial recruitment functions.

Given the above, Ext.P8 order issued by the 1<sup>st</sup> respondent-State Information Commission is illegal and contrary to the express provisions of the Right to Information Act, 2005, as well as the settled law declared



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by the Hon'ble Supreme Court. The impugned direction for disclosure of the names and designations of the members of the Interview Board cannot be sustained, and accordingly, Ext. P8 is quashed.

The writ petition is allowed as above.

Sd/-

**MOHAMMED NIAS C.P.  
JUDGE**

okb/



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**APPENDIX OF WP(C) 42877/2024**

**PETITIONER EXHIBITS**

<b>Exhibit P1</b>	TRUE COPY OF THE APPLICATION SUBMITTED BY THE 2ND RESPONDENT
<b>Exhibit P2</b>	TRUE COPY OF THE LETTER DATED 24.04.2023 SENT BY THE 2ND PETITIONER TO THE 2ND RESPONDENT
<b>Exhibit P3</b>	TRUE COPY OF THE APPEAL FILED BY THE RESPONDENT NO.2
<b>Exhibit P4</b>	TRUE COPY OF THE LETTER DATED 17.05.2023 SENT BY THE 3RD PETITIONER TO THE RESPONDENT NO.2
<b>Exhibit P5</b>	TRUE COPY OF THE APPEAL FILED BY THE 2ND RESPONDENT UNDER SECTION 19(3) OF RIGHT TO INFORMATION ACT, 2005 NUMBERED AS APPEAL NO.1040(6)/2023/SIC
<b>Exhibit P6</b>	TRUE COPY OF THE REPORT DATED 12.07.2023 FILED BY THE 2ND PETITIONER
<b>Exhibit P7</b>	TRUE COPY OF THE REPORT DATED 12.07.2023 FILED BY THE 3RD PETITIONER
<b>Exhibit P8</b>	TRUE COPY OF THE ORDER DATED 10.10.2024 PASSED BY THE 1ST RESPONDENT
<b>Exhibit P9</b>	A TRUE COPY OF THE LETTER DATED 25.10.2024 PREFERRED TO THE 2ND RESPONDENT
<b>Exhibit P 10</b>	A TRUE COPY OF THE LETTER DATED 25.10.2024 PREFERRED TO THE 1ST RESPONDENT