

## **Central Information Commission**

Appeal: Nos. CIC/OK/A/2006/00066  
& CIC/OK/A/2006/00058

Dated, the 26<sup>th</sup> June, 2006

Name of the Appellant : 1. Shri Munna Lal and  
2. Shri Abdul Rafique  
Diseal Loko Karkhana, Ajmer

Name of the Public Authority : Senior Personnel Officer,  
Diesel Loco Work Shop,  
North West Railway, Ajmer.

### **DECISION**

#### **Background:**

Shri Munna Lal, ELF II, Diesel Loco Workshop, Ajmer applied on 7-11-05 for photocopies of answer sheets of his own as well as of two of his colleagues who had appeared in the written test/selection for the post of Junior Engineer-II (Intermediate Quota). On 18.11.05 the PIO, Loco, Ajmer denied him the information under section 8(2) of RTI Act 2005. The first Appellate Authority upheld the decision of the PIO on 2<sup>nd</sup> January, 2006. Thereafter, the Requester filed the second Appeal on 23<sup>rd</sup> March, 2006 with the Central Information Commission.

2. Similarly Shri Abdul Rafique, JEN-I in the same organization applied on 17.12.05 for the marks obtained by him, the Answer Key and photocopies of answer sheets of four employees including his own relating to written test/selection for the post of Section Engineer held of 28.6.05. Both the PIO and the first Appellate Authority denied him the information under section 8(1)(e)(j) and section 8(2) of the RTI Act. Thereafter he filed the second Appeal on 13.3.06 with the CIC against the decision of the CPIO/first Appellate Authority.

3. A bench comprising Dr. O.P. Kejariwal and Dr. M.M. Ansari, Information Commissioners heard both the Appeals on 5<sup>th</sup> June, 2006. Shri R. K. Sharma, CPIO and Shri Kamal Kumar Jain appeared on behalf of the Respondents.

**Decision:**

4. The Respondents stated that as per the prevalent practice the marks obtained by the candidates in the selection are not disclosed: only the results of successful candidates are declared. The selection procedure being secret, the information was denied under section 8(2) of the Act. They also quoted 'fiduciary relationship' under section 8(1)(e) and personal information under section 8(1)(j) as the reasons for denial of information.

5. The Commission did not agree with them. In the post-RTI Act era, the examination system needs to be given a fresh look to make it as much transparent as possible. The Commission found no convincing reason for non-disclosure of mark sheets of the candidates and also the answer keys once the examination/selection process is completed. The Commission, therefore, directs the Respondents to provide the appellants the marks obtained by the candidates and the answer keys as demanded by them within 15 days and report compliance to the Commission within 21 days of the issue of this order. As regards the supply of copies of answer sheets, the Commission reserves its judgment.

6. The Commission ordered accordingly.

Sd/-  
(O.P. Kejariwal)  
Information Commissioner

Sd/-  
(M.M. Ansari)  
Information Commissioner

Authenticated true copy:

Sd/-  
(Pankaj K.P. Shreyaskar)  
Assistant Registrar

Cc:

1. Shri Munna Lal, ELF - II, Ticket No.73039/21 Diseal, Loko Kaarkhana, Ajmer.
2. Shri Abdul Rafique, L-24-A, Staff Line, Railway Colony, Ajmer.
3. Shri R.K. Sharma, Senior Personnel Officer, Diesel Loco Work Shop, North West Railway, Ajmer.