

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

Appeal No.38/ICPB/2006
June 29, 2006

In the matter of Right to Information Act, 2005 – Section 19.

Appellant : Shri George Paul, Ernakulam

Public Authority : Bharat Sanchar Nigam Limited
Shri Rakesh Babu, DDG & CPIO
Shri J.R. Gupta, Director (O) – Appellate Authority.

FACTS:

By an application dated 19.1.2006, the appellant sought for copies of certain papers of Special Supplementary Departmental Qualifying cum Competitive Examination to TES, Group B held from 23rd September, 26th September, 2003 along with marks awarded to each question. In addition, he also asked for the year of recruitment of 144 successful candidates in the cadre of JE/JTO, the percentage of marks obtained by them and the year for which they were promoted as the examination was for filling up the vacancies for the year 1991 to July, 1996. By a letter dated 27.2.2006, the CPIO declined to furnish copies of answer sheets as the same was exempt from disclosure under Section 8(1)(e) of the RTI Act stating that furnishing of evaluated answer papers would be against public interest and would also compromise the fairness and impartiality of the selection process. In respect of the information related to recruitment of 144 successful candidates, the CPIO informed the appellant that since the vacancies pertained to the years 1991 to 1996 prior to formation of BSNL, the said information was not available and his request for this information had been forwarded to the Department of Telecommunication. Aggrieved with this decision, he appealed to the appellate authority on 8th March, 2006. The appellate authority, relying on the decision of this Commission in Miss Treesa Irish (Appeal No.ICPE/A-2/CIC/2006) upheld the decision of the CPIO in regard to furnishing of evaluated answer scripts. In so far as the recruitment of 144 candidates is concerned, the appellate authority furnished the same. However, mentioning that the marks obtained by them cannot be given as the same is purely personal information, the disclosure of which has no relation to any public interest or activity, he held the disclosure of same as exempt under Section 8(1)(j) of the RTI Act.

GROUND OF APPEAL:

2. In the appeal, the appellant has sought for a review of the decision of this Commission in Miss. Treesa Irish case on the ground that no fiduciary relationship between an authority conducting the examination and examiners evaluating the answer sheets, exists. He has furnished copies of various authorities dealing with fiduciary relationship. Since according to him, there is no fiduciary relationship, the information sought for by him cannot be denied under Section 8(1)(e) of the Act. In so far as marks secured by successful candidates is concerned, his contention is that every authority conducting examination displays the marks obtained by the candidates even in their website and therefore the CPIO cannot decline to provide the information.

DECISION:

3. As far as furnishing of the evaluated answer sheets is concerned, not only in Miss Treesa Irish case wherein this Commission has applied not only Section 8(1)(e) of the Act, it also applied the provisions of Section 8(1)(j), to hold that the said information was exempt under the Act. Further, a Division Bench of this Commission has decided in *Neeraj Kumar Singal (Appeal No.11/53/2006-CIC dated 2nd May, 2006)* that conduct of examinations and for identifying and short listing the candidates in terms of technical competence, right attitude is highly confidential activity and therefore answer sheets should not be disclosed. Thus, the consensus in the Commission is that evaluated answer sheets need not be disclosed. Under the circumstances, I uphold the decision of the appellate authority in so far as disclosure of evaluated answer sheets is concerned. In so far as disclosure of marks obtained by the successful candidates is concerned, as decided by this Commission in *Neeraj Kumar Singal's* case cited above, marks secured by candidates are not to be kept secret and should be furnished. Accordingly, I direct the CPIO to furnish the details of marks obtained by the successful candidates as sought for by the candidates within 20 days from the date of the decision.

4. Let a copy of this decision also be sent to appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(Prem K. Gera)
Registrar

Address of parties :

1. Shri Rakesh Babu, DDG(CS) & CPIO, Bharat Sanchar Nigam Ltd. 10th Floor, East Wing, Chandralok Building, 36 Janpath, N.Delhi-1
2. Shri George Paul, SDE A/T (SWG), 3rd Floor, Govardhan Bldg. Chitoor Road, Ernakulam, Kerala – 682 035.