

CENTRAL INFORMATION COMMISSION  
Complaint No.CIC/WB/C/2007/00705 dated 28.9.2007  
Right to Information Act 2005 – Section 18

**Complainant** - Shri Y. B. Sharma

**Respondent** - Staff Selection Commission (SSC)

**Facts:**

By an application of 29.11.06 Shri Y. B. Sharma of Karanpur, Dehradun applied to CPIO, SSC Delhi seeking the following information:

“Please arrange to supply information in the attached proforma.

1. Proforma-1 attached:

In this proforma please provide details regarding Sr. No. 1 to 1250 who appeared in the above exam by giving name, category/class, Caste if any, educational qualification (High School, Intermediate & up to graduation marked obtained, out of, in each subject), marks obtained in Commission’s General knowledge/English paper, marks obtained Math’s paper, Marks granted by Interview Board, Total marks obtained and centre for selection of the qualified candidates along with model solved paper for both the above written exams.

2. Proforma 2 (attached)

Name, designation, qualification and posts held by all those members present in Interview Committee which met in the Central Zonal Office of the Commission at Allahabad on the evening of 28<sup>th</sup> October.

3. Specifically, details be provided in respect of OBC.

Total No. of candidates who appeared for interview in Commission’s Central Zonal Office, Allahabad (Sr. No. from . . . to . . . )

PS: For getting detailed information, both above proformae are attached.”

This information was refused by an order of Sh. V. K. Agarwal US SSC dated 11.12.06 as follows:

“Providing information sought by you under the RTI Act 2005, from the Commission, is not practicable under Rule 7(9) of the Act.”

This was followed by a further request dated 16.12.06 from appellant Shri Sharma, seeking clarification as follows:

“Kindly advice that under the above sub-section how much information can be provided and in which proforma?”

The response to this request, dated 29.12.06 also from CPIO Sh. V. K. Agarwal was as follows:

“As per directions given by the Central Information Commission, applicant can be provided with marks obtained by applicant and marks obtained by last selected candidates in the same examination conducted by the Commission. For obtaining this information you may send a photo copy of admission slip issued to you by the Commission.”

Finally Shri Sharma submitted a further request dated 9.1.07 to Shri Agarwal as follows:

“In this connection it is submitted that we have sought information under the Right to Information Act, 2005 and not under the directions given to you by the Central Information Commission. You may inform your senior officers (who has directed you to provide us with the reply) that the information sought by us is our right under the Act. If your Commission is not interested in providing complete information then please clearly deny the same or please intimate the fee chargeable for providing the information.”

In response Shri Agarwal in his letter of 12.2.07 informed Shri Sharma as follows:

“This Commission organizes 12 open and 3 Departmental Examination every year in which approximately 15 to 20 lakh candidates appear. Commission has to declare results within the time limit specified by the Govt. of India. As already intimated to you by our earlier communications, this Commission is unable to provide you with the desired information with its limited sources and manpower under Sec. 7(9) of the Act.”

Sh. Sharma then moved his appeal before First Appellate Authority Shri L. Vishwanathan, upon which he again received a response from CPIO Shri V. K. Agarwal as follows:

“With reference to your appeal dated 5.5.2007 on the above noted subject in respect to Ku. Priyambada Sharma, you are informed that your appeal has been examined. Central Information Commission vide their decision dated 30.4.2007 has stated that no details of conducting of examination could be given, and also third party information should not be provided to third party.”

Appellant’s prayer before us in his second appeal is as follows:

***“Kindly arrange to provide complete information sought by us free of cost after taking necessary action against the CPIO & his seniors (by whom he is directed) under Sec. 19 & 20 of the Right to Information Act, 2005.***

***If after examining the information received, it is found that there are some irregularities in the Selection System/Process, then our right is reserved to inspect/obtain certified photo copies of the desired answer sheets from the Written Examination.***

***Kindly see sub sec.2 (j) of Chapter-1, Preliminary Definition of Right to Information, providing all the four rights. ”***

In a representation of 9.6.08 Shri Y. B. Sharma submitted as follows:

“In regard to above appeal our letters dated 23.9.2007 and 26.9.2007 sent through registered & insured post which have been diarized by you at No. 44341/2007 dated 8.10.2007 have not been replied even after a lapse of about seven months. Under the relevant rules of the above ACT kindly arrange to provide the information on priority basis.”

The appeal was heard in its turn by videoconference on 29.6.09. The following are present:

**Appellant** at NIC Studio Dehra Dun  
Shri Yagya Bhushan Sharma

**Respondents**  
Smt. Gayatri Sharma, Dy. Secretary (A)

Ms. Gayatri Sharma, DS & Appellate Authority admitted that the responses given to appellant Shri Y. B. Sharma had not been fully compliant with the RTI Act. She, therefore, submitted a further set of information through her letter of

26.6.09, a copy of which has also been sent to appellant Shri Sharma. In her pointwise reply to the complainant's letter of 23.1.06, she submitted as follows:

- “1&2. Information sought by Shri Yagna Bhushan Sharma for all candidates is 'Third Party' information, which cannot be disclosed to him. Her daughter, Kumari Priyambada Sharma, roll number 2711502 had secured total 294 marks (222 marks in the written part and 72 marks in interview) in Section Officer (Audit) Exam 2005. Marks obtained by the last selected of UR category were 295 marks.
2. Information sought by Shri Yagna Bhushan Sharma in this para is not compiled by the Commission.
3. A copy of final result of the Section Officer (Audit) Exam 2005 is enclosed. This gives the details of names, roll numbers and category of qualified candidates.
4. Information sought by Shri Yagna Bhushan Sharma in this para relates to the examination process, which is a confidential activity and the same cannot be disclosed to you.”

Appellant Shri Sharma submitted that marks awarded are public information and cannot be withheld under the RTI Act.

### **DECISION NOTICE**

In citing our Decision cited in the orders of appellate authority Shri L. Vishwanathan has stated that “*Central Information Commission vide their decision dated 30.4.2007 has stated that no details of conducting of examination could be given*” We find that in this Decision in complaint No. **CIC/WB/C/2007/0011 Sujit Pal vs. SSC** we have simply reiterated our Full Bench Decision in the clubbed Complaint No. **CIC/WB/C/2006/00223**, Appeal Nos. **CIC/WB/A/2006/00469 & 00394** and Appeal Nos. **CIC/OK/A/2006/00266, 00058,00066 & 00315** dated 25.2.2007, which primarily upholds the right of examination authorities to withhold copies of answer sheets. It is, therefore, incorrect for Shri L. Vishwanathan, Dy. Secretary, SSC to hold that we have in

any case held that any details of the examination process notably the identity of an Examination Board and disclosability of mark sheets cannot be disclosed, other than what we have specifically stated.

## DICTATION

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)  
Chief Information Commissioner  
29.6.2009

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj Shreyaskar)  
Joint Registrar  
29.6.2009