

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/SG/A/2010/903041

Right to Information Act 2005 – Section 19

Appellant - Ms. Sarah Cyriac

Respondent - Delhi University

Interim decision announced : 15.4.2010

Facts:

By an application of 21.7.09 Ms. Sarah Cyriac of Panchsheel Park, New Delhi applied to the CPIO Assistant Registrar (Estates), Delhi University seeking the following information:

“Please provide me with certified photocopies of my evaluated answer sheets pertaining to the following 6 papers.

	Paper No.
(i) Economy, State and Society	8
(ii) Development Theory and Experience	9
(iii) Public Economics	12
(iv) Introductory Econometrics	14
(v) Topics in Microeconomics	15
(vi) International Trade	17

To this Ms. Sarah Cyriac received a response dated 20/24.8.09 informing her as follows:

“There is a decision of the full bench of the Hon'ble Information Commission in the case of Shri Rakesh Kumar Singh & other v/s Shri Harish Chander, Lok Sabha Secretariat & others dated 23.4.2007 (Complaint. No CIC/WB/C/2006/00223, appeal nos. CIC/WB/A/2006/00469 & 00394; appeal nos. CIC/OK/A/2006/00266/00058/00066/00315) which says that citizen cannot seek disclosure of the evaluated answer sheets under the RTI Act, 2005.’

Upon this, Ms. Sarah Cyriac moved an appeal on 11.9.09 before Registrar Shri S. K. Jaipuria, upon which Shri S. K. Jaipuria in his order of 16.10.09 decided as follows:

“Since there is no actionable point in the appeal and there are no other points on which the information has been sought, hearing in the matter may not be a prudent option. Therefore, the decision of the PIO is upheld.”

Upon this, Ms. Cyriac submitted a representation dated 23.10.09 before the Registrar, University of Delhi clarifying as follows:

“Revaluation is not an option as there is every possibility that it is not my answer scripts which are being re-evaluated.’

In response through an order of 23.10.09, the Registrar Delhi University wrote to Ms. Soma Cyriac, mother of appellant Ms. Sarah Cyriac, as follows:

“During the decision in the first appeal stage, hearing was offered to the appellant in case she was not satisfied with the decision.

After hearing both the parties, it appears that there is no ground which needs to be addressed on the basis of the original application under the Right to Information Act, 2005. Therefore, there is no further actionable point in the appeal and the decision of the PIO is upheld.

If the appellant, being a student of the University has any problem in the result, she may contact the office of the Dean (Examinations) on telephone no. 011-27667934 for other efficacious procedure available with the appellant.”

Subsequently, Ms. Sarah Cyriac submitted a further representation to the Registrar dated 28.10.09 protesting both the response received and alleged discourtesy shown to her mother, after which she moved her second appeal before this Commission.

This matter was heard by the Commission in Single Bench on 14.1.10. The Appellant had written six papers for the 3rd Year BA Economics (Hons.). She received 50% marks in five of the six papers. In the sixth paper she was marked absent. Once she produced the examination hall attendance sheet to prove that she had taken the sixth paper, she was informed within 3 days that she had 50% marks. University of Delhi follows a policy of secrecy by which a unique number is assigned to each student and this unique number is given to each of the answer scripts of the student. This process is followed so that the

examiner does not know the name of the student whose answer sheet he is evaluating. If what the appellant is stating is true i.e. her answer sheet has been confused with some other student – then re-evaluating the same answer sheet would serve no purpose. During the hearing the PIO of Delhi University and the Dy. Registrar (Results) were present. They submitted that as 28 lakh students are appearing for exams, there is a possibility for error. Consequently, this case was referred to a Full Bench, which is constituted in the Commission comprising of Chief Information Commissioner Shri Wajahat Habibullah & Information Commissioners Ms. Annapurna Dixit and Sh. Shailesh Gandhi, which heard the matter on 13.4.2010. The following are present:

Appellant

Ms. Sarah Cyriac

Ms. Soma Cyriac

Respondents

Mr. Rajesh Kumar Sinha, Registrar, Delhi University

Mr. J. Chanda, Asstt. Registrar / CPIO

Mr. Deepak Vats, Dy. Registrar

Mr. R. P. Singh, Dy. Registrar (Results)

Mr. Morice Tete, Asstt. Registrar

Mr. M. A. Sikandar, Dy. Registrar

Mr. Anil Arora, Asstt. Registrar.

Shri Rajesh Kumar Sinha, Registrar submitted that if appellant Ms. Cyriac has misgivings regarding the authenticity of results, she has two options – either (1) rechecking or (2) revaluation. She has sought neither. He further submitted that whenever doubts of this nature had been raised on the results announced by the Delhi University, such papers have been submitted in the past in several cases before the High Court and Supreme Court in sealed cover. In not a single case have the doubts expressed been substantiated, even after perusal before the highest Court of justice. He, therefore, presented the impugned papers in sealed cover in case this Commission wished to examine these.

On the other hand, appellant Ms. Sarah Cyriac submitted that simply inspection by the Information Commissioners, who are not experts in this regard, will not serve her purpose. She has grave doubts regarding the basic scrutiny exercised by the examiner in her case since she has always earned the

appreciation of teachers and intellectuals on her mastery of subjects in which she has received paltry marks and, therefore, wishes to see the documents credited to her for herself. Appellant Ms Cyriac has also submitted a written petition in which she has pleaded as follows:

- “1. I have been offered admission to post graduate courses in a number of foreign universities based on GRE scores, previous academic records, work, experience and extracurricular-all of which are in shocking contrast to my final year university scores.
2. I am now in the process of applying for scholarships to fund my studies. Though I have excellent letters of recommendation from distinguished academicians, my undergraduate scores in the final year are so impossibly low that chances of winning a scholarship appear bleak.
3. I request the honourable full bench of CIC to ensure that the marks I have secured, that are rightfully due to me be disclosed and awarded as quickly as possible.
4. This is possible if and only if, photocopies of my answer scripts are issued to me as per my original RTI application and the submissions made by me in the presence of Hon'ble Information Commissioner Shailesh Gandhi.
5. The University of Delhi has itself realized that innumerable errors occur during the allotment of fictitious roll numbers and that the present evaluation system encouraged unaccountability, it is, therefore, proposing to revamp the system w.e.f. the 2010- 2011 Semester Examinations. (Please see point 5 of ECISS deliberations enclosed herewith).
6. I have wasted one precious academic year while I waited for my appeal to run its course. May I therefore, appeal to the Commission to expedite the process of 'righting a wrong' and ensuring basic natural justice for me?”

INTERIM DECISION

The stand of respondents that this issue stands settled in a decision of this Commission is correct. It will not be possible for a Bench of this Commission to now rule on the general issue. This Commission has moreover no powers of review unless it is in exercise of general inherent power to review its decision which has erred in fact or in law. However, the applicability of the provisions which led to the decision in complaint No. **CIC/WB/C2006/00223**; Appeal Nos. **CIC/WB/A/2006/00469** & **00394**; Appeal Nos.

CIC/OK/A/2006/00266/00058/00066/00315, Rakesh Kumar Singh & Ors vs. Lok Sabha Secretariat & Ors can be examined in light of the present application in the case of Ms. Sarah Cyriac, given the fact that a larger Bench has already ruled only of the applicability in regard to public examinations conducted by institutions established by the Constitution like UPSC or institutions established by any enactment by the Parliament or Rules made thereunder like CBSE, Staff Selection Commission, Universities., etc, the function of which is mainly to conduct examinations and which have an established system as fool-proof as that can be. In Para 40 of the same decision the Commission has also ruled that the disclosure of the answer sheets by certain institutions “*shall be the general rule but each case may have to be examined individually to see as to whether disclosure of evaluated answer sheets would render the system unworkable in practice*”. This will require deliberation by a larger Bench. The Chief Information Commissioner will, therefore, in exercise of his authority u/s 12(4) constitute a larger Full Bench for this purpose, the date of hearing of which will be duly intimated to the parties.

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

(Ms Annapurna Dixit)
Information Commissioner

(Shailesh Gandhi)
Information Commissioner

(Wajahat Habibullah)
Chief Information Commissioner
15.4.2010

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 K.P. Shreyaskar)
Joint Registrar
15.4.2010