

**Central Information Commission**

Room No.296, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama  
Place, New Delhi-110066

Telefax:011-26180532 & 011-26107254 website-cic.gov.in

**Appeal : No. CIC/DS/A/2010/001757**

Appellant /Complainant : Sh. Amit Godara,  
Sriganga Nagar

Public Authority : Central Board of  
Secondary Education,  
Delhi ( Shri G.L. Mittal,  
CPIO)

Date of Hearing : 5 April 2011

Date of Decision : 5 April 2011

**Facts:-**

1. The applicant submitted RTI application dated 11 June 2010 before the CPIO, CBSE, Delhi seeking a copy of his OMR answer sheet along with model answer sheet (key) for the AIEEE exam 2010. The CPI by the order dated 11 June 2010 denied disclosure of information on the grounds that disclosure of information did not serve any larger public interest and also stated that the AIEEE answer sheets are machine graded with extreme care and repeatedly scrutinised and that there is no provision for rechecking/re-evaluation of the answer sheets. In denying disclosure, the CPI of relied on Commission's order dated 23 April 2007.

2. The applicant preferred appeal dated 24 June 2010 before the first appellate authority who disposed of the matter vide order dated 8 July 2010 by upholding the order of the CPIO.

3. Not being satisfied by the above orders the applicant moved the Commission in second appeal. The matter was heard today. Respondent was present in person as above. Appellant did not appear and telephoned the Commission to decide the matter on merit.

**Decision notice**

4. After hearing both parties, Commission notes that respondent has confirmed that evaluation of the OMR answer sheets is carried out through computerized process and not manually. It is also established as per the decision of the CIC in Rakesh Kumar Singh Vs Harish Chander that where OMR sheets are used, as in the present case, the disclosure of evaluated answer sheet was "unlikely to render the system unworkable and as such the evaluated answer sheets in such cases will be disclosed and made available under the Right to Information Act unless providing such answer sheets would involve an infringement of copyright as provided for under section 9 of the RTI Act".

5. Here, reference is made to **judgement of S. Muralidhar, J in W.P (C) 751 of 2011 and CM Appl 1598/2011** filed in Delhi High Court which upheld the order of the Central information Commission dated 23 December 2010 in which Commission directed CPIO of the Indian Institute of Technology, Delhi to provide the mark sheet to the appellant. Through its order the Court has ruled that *"the evaluation of the ORS is carried out through computerized process and not manually, the question of there being a fiduciary relationship between the IIT and the evaluators does not arise..... and no prejudice can be caused to the IIT by providing a candidate a photocopy of the concerned ORS. This is not information being sought by a third party but by the candidate himself or herself. The disclosure of such photocopy of the ORS will not compromise the identity of the evaluator, since the evaluation is done through a computerized process."*

6. The Court also dismissed the argument that if the impugned orders of the CIC are sustained it would open a "floodgate" of such applications by other candidates as a result of which the entire JEE and GATE would "collapse" on the grounds that the apprehension is exaggerated.

7. In keeping with the spirit and tone of the aforementioned judgment, Commission directs the CPIO to provide a copy of the OMR answer sheet and model

answer key as sought by the appellant within one week of receipt of the order.

9. Commission invites attention of the Chairman, CBSE to the fact that in the new milieu which favours transparency in actions of public authorities, the board should revisit this issue in the light of the fact that the IIT's and two universities – Rajasthan and Himachal Pradesh – have taken decision to place on their websites the OMR answer sheets of the candidates along with the model answer sheet in the interest of fairness and transparency in the examination system.

(Smt. Deepak Sandhu)  
Information Commissioner (DS)

Authenticated true copy:

(T. K. Mohapatra)  
Under Secretary & Dy. Registrar  
Tel No. 011-26105027

Copy to:-

1. Shri Amit Godara  
S/o Sh. Dayaram Godara  
Civil Nayayadheesh,  
Srikanpur, **Dist: Sriganga Nagar-335073**
2. The CPIO  
Central Board of Secondary Education  
PS-1-2, Institutional Area  
I.P. Extension, Patparganj,  
**Delhi-110092.**
3. The Appellate Authority  
Central Board of Secondary Education  
PS-1-2, Institutional Area  
I.P. Extension, Patparganj,  
**Delhi-110092.**
4. The Chairman  
Central Board of Secondary Education  
PS-1-2, Institutional Area,  
I.P. Extension, Patparganj,  
**Delhi-110092**