

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SM/A/2011/000336/SG/13708
Appeal No. CIC/SM/A/2011/000336/SG

Relevant Facts emerging from the Appeal:

Appellant: : Mr. Pulkit Khare
Flat No. 32, Sector 29,
Brahmaputra Apartments,
Noida, U.P.- 201303

Respondent: Dr. Kulbir Singh
PIO & Joint Director,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi- 110069

RTI application: 09/06/2010
PIO reply: 06/07/2010
First appeal 12/07/2010
FAA order 27/08/2010
Second appeal 23/11/2010

Information sought:

- i) Furnish copy of my Essay paper-III, civil exam 2009 alongwith marks.
- ii) Furnish breakup of marks.
- iii) Whether transfer of marks is without error.
- iv) Can I request for evaluation by another examiner?
- v) If answer to above is yes, please provide the procedure.

PIO's reply:

Copy of Answer-Book cannot be given to the candidate in pursuance of a judgement delivered by CIC (Ref. CIC/OK/A/ 2006/100266/00053/ 00315 and CIC/WB/A/2006/013469 & 00394 dated 23.04.2007) in which inter alia it has been stated that "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 foolproof as that can be, and which, by their own rules or regulations prohibit disclosure of evaluated answer sheets or where the disclosure of evaluated answer sheets would result in rendering the system unworkable in practice and on the basis of the rationale followed by the Supreme Court in the above two cases, we would like to put at rest the matter of disclosure of answer sheets. We therefore decide that in such cases, a citizen can not 'seek disclosure of the evaluated, answer sheets under the RTI Act, 2005.'" This has been reiterated in subsequent recent judgment orders also.

(ii) No break up of marks is available. Therefore, without prejudice to other exemption under the RTI Act, this information cannot be supplied.

(iii) Transfer of marks/data entry have been done carefully and accurately.

It has again been rechecked & confirmed that there is no error in this process.

(iv) & (v) Revaluation is neither provided for in the Examination Rules nor

- allowed in practice. However, treating this query as a representation the relevant answer book has been re-scrutinized & it is conformed that: -

- (1) The Essay has been fully evaluated:
- (ii) The answer book used is intact
- (iii) There is no other error apparent

Grounds for First appeal:

Information not provided.

FAA order:

Upheld the order of the PIO.

Grounds for Second appeal:

Information not provided.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Dinesh Khare representing Mr. Pulkit Khare;

Respondent: Dr. Kulbir Singh, PIO & Joint Director;

The respondent has stated that a copy of the answer script need not be given as per the order of the Full Bench of the Commission in Appeal Nos. CIC/WB/A/2006/00469; & 00394 on 23 April 2007. Regarding query-2 the Appellant shows that he has a letter issued by Mr. Dipta Bhanudas, Under Secretary of UPSC dated 02/07/2010 in which it has been stated "however your answer book and Essay Paper has been rechecked and marks re-totalled with respect to following points." The PIO with respect to query-2 has stated that there is no break-up of marks in the Essay Paper. The appellant points out that since the letter of 02/07/2010 mentions a re-totalling of marks this contradictory to the information provided by the PIO. The Commission directs the PIO to once again check the facts and if there are no break-up of marks in the Essay paper confirm this to the Appellant.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as detailed above to the Appellant before 10 August 2011.

This decision is announced in open chamber.

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

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
28 July 2011

(In any correspondence on this decision, mention the complete decision number. (DS))