

RAJASTHAN INFORMATION COMMISSION

302, C-Wing, Vitta Bhawan, Janpath, Jaipur – 302 005
Telefax: 0141-2742406

Appeal No. 6532/2011

Sh. Abhishek Jain, 299, Pathik Nagar, Behind Roadways Bus Stand, Bijoliya,
Bhilwara, (Raj)

V/s

Controller of Examination, Rajasthan Technical University, Kota, (Rajasthan)

Date: 01.03.2012

Appellant - Present.
Respondent – None

1. I heard the appellant and have gone through the record available on file.
2. Appellant vide application dated 6.9.2011 had sought information on 33 points which includes sub points of 3 as well. As per reply to the memo of appeal a point wise reply was sent to the appellant on 3.10.2011. The appellant denied its receipt. A perusal of this reply along with the application clearly indicates that the appellant had not sought any reply vide sub-points of 3 and points No. 31 & 32. Information sought at point No. 28 to 30 have already been given. However information with regard to points 1, 3, 4, 7 and 33 are yet to be provided.
3. Vide point No. 1 the appellant had requested for a daily progress on his application. But the appellant did not mention which application he was referring to. As such no information could be provided.
4. Similarly vide point No. 33 his request is to provide certified photocopy of file noting and action taken report on the RTI application under

Authenticated



question. This would be futuristic information as the same is not available on records on the date of application.

5. The appellant had sought inspection of his answer sheet, copy of his tabulation sheet pertaining to paper of Mathematics-II, as also the data sheet/OMR sheet of the marks obtained by the appellant in 1st year back exams-2010. The information was denied by the respondents stating that it was not possible as per Ordinance of the University. The respondents forgot that disclosure of answer sheet to the person concerned was not exempted under Section 8(1) and 9 of RTI Act. Moreover, as per Section 22 of RTI Act, provisions under this Act has an overriding effect. Hon'ble Supreme Court while deciding writ No. 6454/11 CBSE V/s Aditya Bandopadhaya has held that an examinee has a right to inspect his own answer sheet. The respondent, therefore, cannot refuse the inspection of answer sheet. The respondents, therefore, are directed to allow inspection of answer sheet and other documents as requested in point No. 3 & 4 of the application within ten days of the receipt of this order.
6. At point No. 7 the appellant had requested to provide him a certified copy of any document which showed the reason for delay in his result for this particular examination. The appellant has a right to access this information and any noting in writing in this regard if available, the certified copy of the document be given to the appellant.
7. The appeal is partially allowed as above.
8. Order pronounced.
9. Copy of the order be sent to both parties.

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Raj. Information Commission
JAIPUR

(T. Srinivasan)
Chief Information Commissioner.