

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 214/2019/SIC-II

Radhakrishna Salgaonkar,
H. No. 468/1, Cottarbhat,
Aldona, Bardez Goa.
403508.

.... Appellant

v/s

1. The Public Information Officer,
Goa University,
Taleigao Plateau, Goa. 403 206.

2. The First Appellate Authority,
Goa University,
Taleigao Plateau, Goa. 403 206.

...Respondents

Relevant emerging dates:

Date of Hearing : 25-11-2019

Date of Decision: 25-11-2019

O R D E R

1. **Brief facts of the case** are that the Appellant has filed two RTI applications addressed to the PIO, Examination Section, Goa University, Taleigao Plateau, Goa, both dated 17/05/2019. It is seen that the Appellant is seeking information of the Copy of Question paper with Answer Key of 'Industrial management' subject Semester 5, October 2018 Examination and other such related information contained in the RTI applications therein.

2. It is further seen that the PIO vide two replies No.GU/Exam UG/RTI/2019/883 & 884, both dated 06/06/2019 furnished two separate replies to both the RTI applications. It is seen that with respect to information regarding question paper the same was furnished, however the information regarding answer Key was not furnished as the PIO claimed exemption u/s 8 (1)(e) & 8 (1)(g). Further with respect to information sought at points 2, B, 2A, 2B, 2C, 3, 3A, 3B, the same came to be rejected as the information was sought in 'question form' and which the PIO claimed does not come under the purview of section 2(f) of the RTI Act 2005. ..2

3. Not satisfied with the reply of the PIO, the Appellant filed a First Appeal on 10/07/2019 and the First Appellate Authority (FAA) vide an Order dated 02/07/2019 disposed off the First Appeal by upholding the reply of the PIO. The FAA observed that the Answer Key of Industrial Management was not furnished to the Appellant because the PIO has informed that answer Key has been written /typed and the source of information and the identity of the person will be known and hence was exempted under section 8 (1)(e) and 8 (1)(g) of the RTI Act 2005.
4. Being aggrieved with the Order of FAA, the Appellant thereafter has filed a Second Appeal before the Commission registered on 08/07/2019 and has prayed to direct the Respondent PIO to furnish information as requested in the RTI Application and for other such reliefs.
5. **HEARING:** This matter by consent is taken up for final disposal. During the hearing the Appellant Radhakrishna Salgaonkar is present in person. The Respondent PIO, Qubilah D'Souza, Assistant Registrar examination and UG is present alongwith Smt. Sneha Talkar, Legal Assistant. Also present is Advocate S. Dodamani holding for Adv. A. Agni on behalf of the PIO.
6. **SUBMISSIONS:** At the outset the Appellant submits that he is only interested in receiving information of the answer Key of 'Industrial Management, subject Semester 5, October 2018 Examination and is not interested in pursuing any other information. The Commission as such, will only deal with the information regarding the Answer Key.
7. The Respondent PIO, Qubilah D'Souza submits that she is willing to provide answer key after blotting out the name and identity of the examiner and chairperson and requests that the Commission may issue necessary directions in this context.

8. **FINDINGS**: The Commission after perusing the material on record and hearing the submissions of the respective parties including scrutinizing the Order of the FAA finds that the only reason the PIO did not provide the answer key is due to apprehension that the name and identity of the examiner would be known to the RTI applicant and which is why claimed exemption u/s 8 (1)(e) and 8 (1)(g) as it could endanger the life of that particular examiner.
9. **DECISION**: The Commission comes to the conclusion that the examination is already over and as such there is no impediment in disclosing the information regarding the answer key of 'Industrial Management, subject Semester 5, October 2018 Examination.
10. The Commission accordingly directs the PIO to furnish the answer key after masking/blanking/ concealing the name and identity of the Examiner and the Chairperson within 15 days of the receipt of the Order.

With these directions the Appeal case stands disposed.

All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

**Sd/-
(Juino De Souza)
State Information Commissioner**