

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 303/SIC/2008

Mr. Prakash R. Dessai,
L.D.C. Commercial Tax Officer,
Margao Ward, Margao,
Salcete – Goa

... Appellant.

V/s.

1) The Public Information Officer,
Dy. Secretary,
Goa Public Service Commission,
Panaji – Goa

... Respondent No. 1.

2) The First Appellate Authority,
Secretary,
Goa Public Service Commission,
Panaji – Goa

... Respondent No. 2.

Appellant alongwith Adv. J. R. Serrão.
Respondent No. 1 absent.

J U D G M E N T

(Per Afonso Araujo)

The Order of the First Appellate Authority denying the information sought being exempted from disclosure is challenged in this Appeal.

2. The Appellant sought information under the RTI Act by way of inspection which consists of documents in respect of selection for the post of Commercial Tax Officer conducted by Goa Public Service Commission. The Appellant required the inspection of: 1) of all applications of candidates, 2) written papers of the candidates, 3) mark-sheet of experts at the time of oral interview and 4) proceedings written by the Committee and others, 5) reports, if any, 6) any other documents maintained in the office relevant to the post.

...2/-

3. As the Respondent No. 1 did not give any inspection of answer papers of screening test of other candidates, mark-sheet of oral interview and the minutes of the Departmental Selection Committee, the Appellant preferred the First Appeal and by Order dated 20.01.2009 on the reasoning that the inspection sought pertains to documents which are exempted from disclosure being personal in nature and having fiduciary relationship, the First Appellate Authority dismissed the Appeal. This is the Impugned Order.

4. The Respondent No. 1 provided to the Appellant the inspection of all the documents required but in respect of answer papers of screening test of other candidates, mark-sheet of oral interview of the Departmental Selection Committee were denied being personal and would cause unwarranted invasion on the privacy of the individuals. The First Appellate Authority also rejected the request of the Appellant, being exempted from disclosure on the strength of the fiduciary relationship and invasion of the intellectual proprietary rights. The question which arises for determination is whether the First Appellate Authority was justified in denying the inspection of documents sought by the Appellant. The answer papers of the candidates are evaluated by the examiners and the authority conducting the examination and the examiners evaluating the answer papers stand in a fiduciary relationship and such answer papers cannot be disclosed and being confidential are exempted from disclosure u/s. 8(1) (e) of the RTI Act. Similarly, there is a fiduciary relationship

between the Department and the Selection Committee and the proceedings of the Selection Committee wherein the mark-sheet of the experts are mentioned cannot be disclosed as being exempted u/s. 8(1) (e) of the RTI Act.

4. Since the information sought by way of inspection of evaluated answer papers and the mark-sheets of the experts in the proceedings of Selection Committee Meeting are confidential in nature, rightly the First Appellate Authority denied the information being exempt u/s. 8(1) (e) of the RTI Act. There are no reasons for interference with the Impugned Order. Hence, the following order:

ORDER

The Appeal is dismissed.

Pronounced on this 15th day of March, 2010.

**Sd/-
(Afonso Araujo)
State Information Commissioner**

