

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri. M. S. Keny, State Chief Information Commissioner

**Appeal No.100/SCIC/2011**

Shri G. D. Phadte,  
R/o.898, Nila Niwas,  
Alto Torda,  
Porvorim - Goa

... Appellant.

V/s.

1. The Asst. Public Information Officer,  
Office of the Collector,  
North Goa  
Panaji – Goa
2. The Additional Collector,  
O/o. the Collector,  
North Goa,  
Panaji-Goa
3. The Collector, F.A.A.  
O/o. the Collector,  
North Goa,  
Panaji – Goa

... Respondents

Appellant absent.  
Respondent absent.

**J U D G M E N T**  
**(22/12/2011)**

1. The Appellant, Shri G.D. Phadte, has filed the present Appeal praying that the Public Information Officer(P.I.O.) be directed to provide the information and inspection sought free of fees; that penalty be imposed on Asst. Public Information Officer(A.P.I.O.) and respondent No.2 for denial/delay in giving information and inspection from due date till it would be provided and that compensation be granted to the appellant for loss of time detriment suffered and physical and mental harassment caused by not providing information within the prescribed time and disciplinary action be initiated.

2. The brief facts leading to the present Appeal are as under:-  
That the appellant, vide application dated 24/1/2011 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the respondent No.1(A.P.I.O.) That the respondent No.1 failed to provide information within time limit of 30 days. That the appellant is entitled to receive information and inspection free of charge as per sec.7(6) of R.T.I. Act. That the respondent No.2 called appellant to attend his office by impracticable date. That the respondent No.2 rejected R.T.I. request unjustly. That the information was sought in the larger public interest to ensure no discrimination was there as democracy requires an informed citizenry and transparency of information which are vital to its functioning and to contain corruption and to hold Government and their instrumentalities accountable to the governed. Being not satisfied the appellant preferred appeal before First Appellate Authority however the appeal was dismissed without giving an opportunity of being heard. Being aggrieved the appellant has preferred the present appeal/complaint.

3. The respondent No.2 has filed the reply which is on record. In short it is the case of respondent No.2/P.I.O. that the appellant was asked to attend the office of the Collector under letter dated 10/2/2011, since the application was not clear and to get clarification regarding exact information in which he was interested. That the application was rightly rejected under sec.8(1) of R.T.I. Act on the ground that it is the personal information and disclosure of which has no relationship to any public activity or interest and no public interest would be served in disclosing the information. It is also the case of respondent No.2 that the appeal was dismissed by the Collector under order dated 31/3/2011 and that the appeal was decided on the basis of appeal memo and the documents on record. That the application as well as appeal were rightly rejected. According to the respondent No.2 the present appeal is liable to be dismissed.

4. Heard the appellant as well as Respondent No.2/P.I.O. The appellant has also filed written arguments which are on record.

5. I have carefully gone through the records of the case and also considered the arguments advanced and also written arguments of the appellant. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that by application dated 24/1/2011 the appellant sought certain information. The information was detail information of written test answered by Jurali Sunita Ramachandra held on 31/5/2008 and also inspection of all answer sheets records of the written test of selected and appointed candidates. This application was made to respondent No.1/A.P.I.O. By letter dated 10/2/2011 the respondent No.2 informed the appellant that application was received but the same is not clear. The appellant was requested to attend office before 18/2/2011 during office hours for further clarification. It appears from records that this letter was received by the appellant on 18/2/2011 itself. By reply dated 23/2/2011, the respondent No.2 informed the appellant that application is rejected under sec.8(1)(j) of the R.T.I. Act on the ground that it is personal information and disclosure of which has no relationship to any public activity or interest and no public interest would be served in disclosing the information.

It appears that the appellant preferred appeal before the First Appellate Authority. By order dated 31/3/2011 the appeal was dismissed.

6. According to the appellant information is related to public activity and disclosure is sought after recruitment process is completed. He next submitted that identity of examiners or their personal information is not sought and that the information sought is of recruitment of group C post of talathi. He also contended about transparency etc.

It is to be noted here that right to know is a basic right of citizens of free country. Without adequate information a person cannot form an informed opinion. The Right to Information Act 2005 has been enacted to provide for a legal right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The citizens and information seekers have, subject to few exemptions, an over riding right to be given information on matters in possession of State and Public Agencies that are covered by the Act.

It is pertinent to note that integrity of examination system should not be compromised. Conduct of examination for identifying and short listing of candidates in terms of competence, attitude, skill, etc is a highly confidential activity and therefore, answer sheets are normally not disclosed. Multiple type of examinations are conducted at different levels like those in schools, professional colleges, Departments, Public Service Commissions etc where purpose varies from admission to selection or promotion in services. Many applications under R.T.I. have been filed and exemption has been claimed either under Sec.8(i)(e)-Fiduciary relationship with examiner and Sec 8(1) (j) – personal information of examiner. These matters have come before Central Information Commission and various State Information Commissions. In Ms Threesha Iris V/s. Kerala Postal Circle in ICIB/A-2/COC/2006 it has been observed that when answer papers are evaluated, the authority conducting the examination and examiners evaluating the answer sheets stand in fiduciary relationship between each other and that such relationship warrants maintenance of confidentiality by both of the manner and method of evaluation. This decision was cited with approval in other cases.

I have also perused some other decisions on the point. The sum and substance of these rulings is that evaluated answer sheets need not be disclosed and furnishing copies of the evaluated answer papers would be against public interest and would

compromise the fairness and impartiality of the selection process. In other words a citizen cannot seek disclosure of the evaluated answer sheets under R.T.I.

7. The appellant is seeking information “detailed information of written test answered by Jurali Sunita Ramachandra. Application No.33 address – Alto Torda, Alto Porvorim, Bardez Goa for the post of talathi, in the collectorate, held on 31/5/2008 at the Don Bosco High School, St. Inez, Panaji, Goa based on the letter No.17/81/EST/COL(VI) dated 14-5-2008 and also inspection of all answer sheets records of the written test of selected and appointed candidates”

The short point for consideration is whether such a request can be granted or not?

Along with written arguments the appellant has also filed a letter dated 20/1/2011 of the said Sunita R. Jurali requesting appellant to seek information about her interview and selecting for the post of talathi.

The appellant is seeking the detail information of written test answered by Jurali Sunita Ramachandra. To my mind such an information cannot be furnished. Secondly the appellant wants to take inspection of all answer sheets records of written test of selected and appointed candidates. Again in view of what is observed hereinabove this request also cannot be granted. It is pertinent to note that the test was held on 31/5/2008.

Be that as it may, however, in my view a fine balance has to be struck between imperatives of confidentiality of information with the right of the citizen to get information. In the instant case to my mind marks obtained by Jurali Sunita Ramchandra can be furnished to the appellant.

8. In view of all the above, I pass the following order :-

**ORDER**

The information as sought cannot be granted and the request is rejected. However, the marks obtained by Jurali Sunita Ramchandra can be furnished to the appellant within 20 days from the receipt of this order. The appeal is disposed off.

The appeal is accordingly disposed off.

Pronounced in the Commission on this 22<sup>nd</sup> day of December, 2011.

**Sd/-**  
**(M. S. Keny)**  
State Chief Information Commissioner

