

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

**Appeal No. 278/SCIC/2008**

Mr. Mohan P. Sawant,  
C/o Mistal Medical Store,  
S-3, Brindavan Bldg., Tonca,  
Caranzalem – Goa.

..... Appellant.

V/s.

1. Dr. M. M. Sangodkar,  
The Registrar/Public Information Officer,  
Goa University, Taleigao Plateau,  
Goa – 403 206.
2. Vice Chancellor/ First Appellate Authority,  
Goa University, Taleigao Plateau,  
Goa – 403 206.

..... Respondents.

Appellant present in person.

Adv. Ms. Ashwini Agni for the Respondents.

## **J U D G M E N T**

(Per Afonso Araujo)

The Appellant by request dated 3/11/2008 addressed to the Public Information Officer/APIO – Respondent No. 1 sought the information under the Right to Information Act, 2005 (for short the RTI Act) and required the copies of the answer key to question papers of Semester I, II and First LLB Degree course for the years from April, 2004 to October, 2008 as and when the exams were held till date yearwise.

2. The Respondent No. 1 did not provide the information within stipulated time and as it amount to deemed refusal, the Appellant on 18/12/2008 preferred the First Appeal and on 14/01/2009, the First Appellate Authority directed the Respondent No. 1 to provide the information which is available and also directed the Appellant to pay the charges for providing the typed version of the hand written manuscript. On 15/01/2009, the Respondent No. 1 with respect to the request of the Appellant dated 3/11/2008 and appeal preferred to the First Appellate

...2/-

Authority on 18/12/2008 provided the following information: -

"As regards to answer keys from April, 2004 to April 2007 – No information is available.

As regards to supply of answer keys of Sem. I of October 2007, Semester I & II of April, 2008 and Semester I & II of October, 2008, the information needs to be typed and charges payable are as mentioned below.

<u>No. of Copies</u>	<u>Amount</u>
48	Rs.480/- @ Rs.10/- per page"

Not content with the information provided, the Appellant preferred this Second Appeal wherein the Appellant stated that information was not supplied in time and the concerned authority should have provided him free of cost.

3. Ms. Ashwini Agni, learned Advocate appearing for the Respondents submitted that the answer keys of question papers started to be kept in the University records from October, 2007; that the delay was due to the bonafide belief of the Respondents; that the manuscript of question papers originally hand written could not be given in view of resolution passed on 8/11/2008 by the University authorities not to give such documents and which includes hand written answer keys and that answer keys has to be typed as Xerox of hand written original answer keys will revealed the identity of the examiners.

4. I have gone through the records and proceedings of the case and taken into consideration the submissions of the Appellant. The Respondent No. 1 provided the information to the Appellant by communication dated 15/01/2009 wherein it was stated that the answer keys from April, 2004 to April, 2007 were not available with the authorities and the answer keys of Semester I of October, 2007, Semester I of April, 2008 and Semester I of October, 2008 requires to be typed and the Appellant was directed to pay the amount of Rs.480/- for the information. It is the contention of the Respondent No. 1 that from October, 2007 the University authorities has been insisting upon the examiners to submit the answer keys and prior to October, 2007 such answer keys were not

submitted by the examiners. The Respondent No. 1 provided the information of answer keys to the examination conducted subsequent to the October, 2007. Though there was a delay in providing the information from the Public Information Officer it was subsequently provided after the First Appeal was preferred and there does not appear to be intentional or deliberate denial of the information on the part of the Respondent No. 1. Those answer keys are hand written and requires to be typed so that this information is provided to the Appellant. The question of Xeroxing cannot be resorted to as rightly contended by the Respondent No. 1 that the identity of the examiner would be known. Under such circumstances, there is no question of providing the information to the Appellant free of cost and the Respondent No. 1 to provide the information on payment of required fees. Hence, the following order: -

### **ORDER**

The Appeal is partly allowed. The Respondent No. 1 to provide the information in respect of answer keys of Semester I October, 2007, Semester I April, 2008 and Semester I October, 2008 on payment of Rs.480/- within 20 days from the receipt of this order.

Pronounced in the open court on this 8<sup>th</sup> day of October, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner



