

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 32/SCIC/2008

Shri. Sunil S. Shetye,
"Shiv Prasad" H. No. 691/58,
B. B. Borkar Road,
Porvorim, Bardez - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Office of the Commissioner of Excise,
Panaji – Goa.
2. The first Appellate Authority,
The Commissioner of Excise,
Office of the Commissioner of Excise,
Panaji – Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 18/08/2008.

Appellant in person.

Adv. Geeta Payagi, Government Counsel for both the Respondents.

ORDER

On 27/12/2007, the Appellant requested the Respondent No. 1 for information under the Right to Information Act, 2005 (for short the RTI Act). The request states as follows: -

"I the undersigned would request you to issue or give me under Right to Information Act. (1) My written answersheet. My seat no. is 197." The Public Information Officer, Respondent No. 1 has refused the request "as they violate the fiduciary relationship between the candidates and the selectors protected under section 8(1)(e) of the RTI Act and hence cannot be disclosed." The first appeal was moved by the Appellant on 21/01/2008 and it came to be dismissed by the first Appellate Authority on 21/02/2008 because disclosure of answersheet will "expose the identity of Invigilator/Examiners/Paper setter etc and they might be subject to harm". Though the first appeal was dismissed on 21/02/2008, a hearing appears to have been given to the Appellant earlier on 19/02/2008. Hence, the date of first appeal is wrong.

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2. The notices were issued and the Appellant argued for himself in addition to filing a written statement. The Public Information Officer also submitted a statement and the matter was argued by the learned Adv. Geeta Payagi for both the Respondents.

3. The case of the Public Information Officer is that it is a subjective test and the identity of the paper setters will be revealed if the answersheet is given to the Appellant. He had also taken the ground of violation of fiduciary relationship between the candidates and the selectors which is protected under section 8(1)(e) of the RTI Act. The selectors are the members of the committee appointed for the purpose of selecting the Excise Inspector normally consisting of more than one member headed by the Commissioner of Excise who is also the first Appellate Authority here. I do not follow what is the relationship of trust which they have with the candidates who had taken the selection test. It is not any citizen who is asking for the answersheet but the Appellant is asking the answersheet of himself and not of any other candidate. Further, it has come out during course of the hearing that the paper is an objective type of paper without any descriptive question. I am also not convinced that the identity of the paper setters will be revealed if every such objective type of question/answersheet is revealed as no names of the selectors or evaluators are published on that. However, giving answersheet to the Appellant is not desirable in public interest. At the same time, there should be no objection allowing the physical inspection of the answersheet with a liberty of taking notes by the Appellant in order that he satisfies himself that the marks given for each answer are appropriate. I allow this because there is no subjective element in assessing the answers and also in interest of transparency.

4. I allow the appeal partly and direct the Public Information Officer to allow physical verification of the answersheet of the Appellant on a date and time convenient to him but within 10 days from the date of this order.

Pronounced in the open court, on this 18th day of August, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner