

COPIO  
25  
27/3/16

SO (RTI)  
discum

**Central Information Commission**  
Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066  
website-cic.gov.in

ओ. क. शर्मा  
अपर महानिदेशक (अभि.)

Appeal No. CIC/MP/A/2015/002207

Appellant : Shri Unnikrishnan B, Alpuzha  
Public Authority : Prasar Bharati, (DG: AIR), New Delhi  
Date of Hearing : May 10, 2016  
Date of Decision : June 28, 2016

**Present:**

Appellant : Present- through VC  
Respondent : Shri Anil Kumar Gupta, AO, Shri M.L. Sharma and Shri Devendra Kumar – at CIC

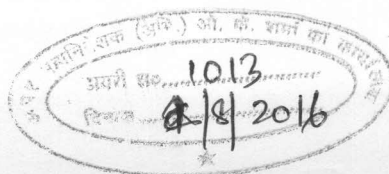
**ORDER**

1. Vide his RTI application dated 7.3.2015, Shri Unnikrishnan B, sought attested certified copies of evaluated answer sheets of the departmental examination for the year 2009-10 and 2010-11 in case of Shri Leopold George, Shri P Suresh, Shri Josan B Valiyakakkanattu and Shri Unnikrishnan M, while giving their roll numbers.

2. The CPIO, through his response dated 13.3.2015, denied the information sought by the appellant u/s 8(1)(j) and (e) of the RTI Act, 2005. Dissatisfied, the appellant appealed to the first appellate authority who, vide order dated 31.3.2015, upheld the CPIO's reply mentioning that the CPIO's decision was in conformity with the CIC's decision dated 23.4.2007. Not quite satisfied with the adjudication of his first appeal, the appellant came in appeal before the Commission stating that the evaluated answer sheets of a departmental examination cannot be exempted from disclosure u/s 8(1)(j) and (e) of the RTI Act as such evaluated answer sheets were public property.

3. The matter was heard by the Commission. The appellant reiterated his request for being provided answer sheets in case of all the four candidates he has named in his RTI application. He stated that since it was departmental examination, the answer sheets should be accessible to anybody. The respondents stated that they had provided him his own answer sheet but had denied the same in respect of other candidates as the same is exempt u/s 8(1)(e) and (j) of the RTI Act, 2005 being third party information.

4. The Hon'ble Supreme Court in the matter of Aditya Bandopadhyaya Vs. CBSE has held "27... *We, therefore, hold that an examining body does not hold the evaluated answer-books*



*in a fiduciary relationship. Not being information available to an examining body in its fiduciary relationship, the exemption under section 8(1) (e) is not available to the examining bodies with reference to evaluated answer-books. As no other exemption under section 8 is available in respect of evaluated answer books, the examining bodies will have to permit inspection sought by the examinees".*

5. In the above judgment, the Hon'ble Supreme Court had allowed inspection of evaluated answer-books of the examinee concerned and not for all the candidates. Thus, the information sought by the appellant cannot be allowed to be disclosed as it is exempt u/s 8(1)(e) and (j) of the RTI Act. Therefore, the Commission upholds the decision of the respondents. The appeal is disposed of.

Sd

(Manjula Prasher)  
Information Commissioner

Authenticated true copy:

(T.K. Mohapatra)  
Dy Secy & Dy Registrar  
Tele No. 011-26105027



Copy to :

The Central Public Information Officer  
Prasar Bharati, (DG: AIR)  
Staff Training Institute (Programme)  
Radio Colony, Kingsway Camp  
Delhi-110009

The First Appellate Authority  
Prasar Bharati, (DG: AIR)  
DDG(Trg), Staff Training Instt (P)  
Radio Colony, Kingsway Camp  
Delhi-110009

Shri Unnikrishnan B  
House No. 21, Housing Board Colony  
Kaithavana, Sanathanapuram PO  
Alapuzha-688003 (Kerala)