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Central Information Commission
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Case No. CIC/SM/A/2013/001019-SS
March 24, 2014

Appellant : Shri Nav Parkash Parihar
Respondents : Bhabha Atomic Research Centre
Date of Hearing : 24.03.2014

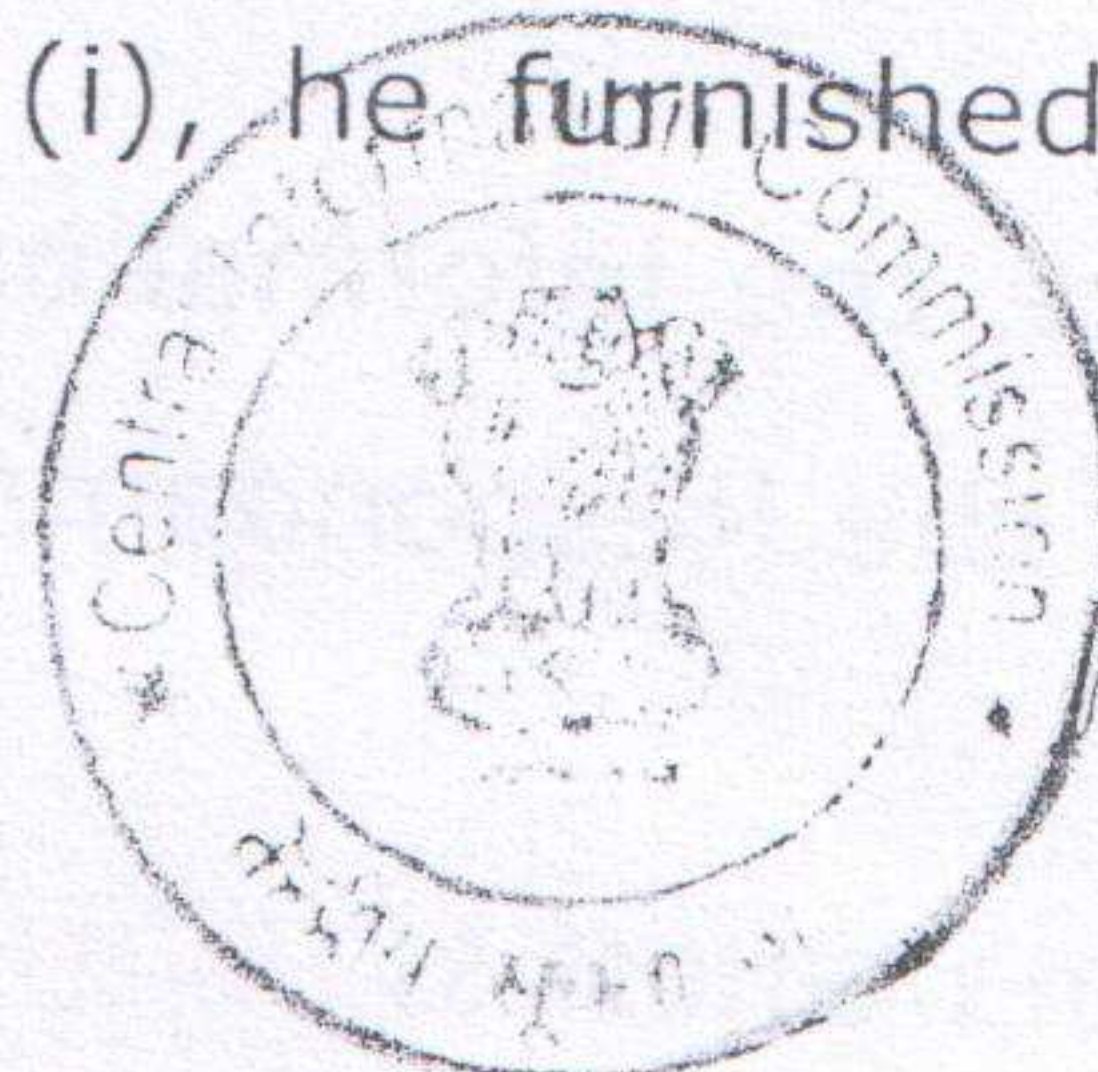
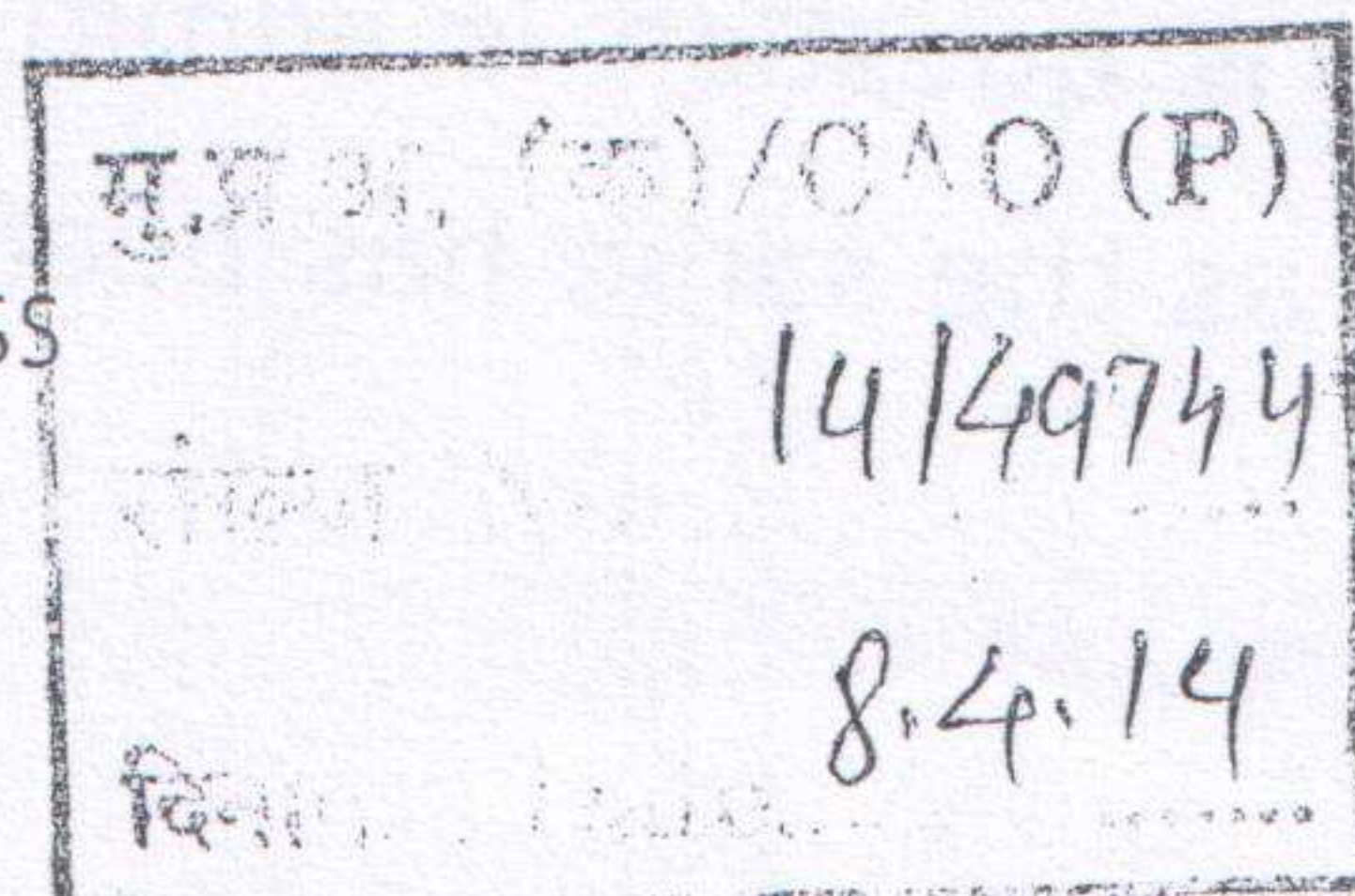
ORDER

The present appeal, filed by Shri Nav Parkash Parihar against Bhabha Atomic Research Centre, was taken up for hearing via videoconferencing (VC) on 24.03.2014 when the Respondents were present at VC studio of BARC, Mumbai through Shri V. Govindankutty, CPIO and Shri Ashok Gerera, CAPIO. The Appellant was present at NIC VC facility at Shimla.

2. The Appellant through an RTI application dated 26.12.2012 sought information against 5 points [like, *copies of question paper and answer sheet copy of syllabus approved by the competent authority; copy of detail mark sheet etc.*] in respect of an examination [M Sc (Medical Physics)] held on 26.08.2009 in which the Appellant's son, Shri Neeraj Parihar had also appeared.

3. The CPIO vide his letter dated 06.02.2013 furnished point-wise reply to the Appellant. As for point No. (i), he furnished only copy of

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question paper of the examination to the Appellant. As for copy of answer sheet of the Appellant's son, Shri Neeraj Parihar, the CPIO stated "the answer sheets of the examinations were destroyed after one year from the date of publication of the result." As for, point No. (ii), the CPIO furnished the required information/reply. As for point No. (iii), the CPIO stated that information is not available. As for point Nos. (iv) and (v), he denied the information citing exemption under section 8(1)(j) of the RTI Act.

4. Aggrieved by the CPIO's reply, the Appellant filed an appeal dated 19.02.2013 before the Appellate Authority which the Appellate Authority decided vide order dated 26.03.2013 upholding the CPIO's reply.

5. The Appellant thereafter filed the instant appeal before the Commission challenging the Respondents' decision.

6. During the hearing the Appellant stated that he is at present pressing for information sought at point Nos. (i), (iv) and (v) of his RTI application. These points were accordingly discussed as given below:

Point No. (i)

7. The Appellant stated that while as per the CPIO's reply answer sheets are destroyed after one year from the date of publication of the result, in this case the result was not published. Therefore, the answer sheet cannot be destroyed. The Respondents however maintained that answer sheet in respect of the aforesaid examination has been destroyed as per their records retention policy.

8. Since the information in question is admittedly not present in the records of the Respondents as the same has been destroyed as per their

records retention policy, no disclosure can be made with regard to the same. However, the CPIO is hereby directed to furnish an authenticated copy of their records retention policy in relation to the document in question (i.e answer sheet) to the Appellant.

Point No. (iv)

9. The Appellant stated that the Respondents have incorrectly denied the copy of mark sheet of his son to him on the ground that it is personal information of third party. The Respondents informed that they have given this information to the Appellant at appeal stage. The Appellant however denied receipt of the same. The Respondents then agreed to provide to the Appellant certified copy of mark sheet of his son.

10. In view of the above, the Commission hereby directs that the CPIO, as agreed, should furnish a certified/authenticated copy of mark sheet of Shri Neeraj Parishar (Appellant's son) in respect of the examination mentioned in the RTI application to the Appellant.

Point No. (v)

11. The Appellant in this point wanted to obtain the "details of candidates whose similar exams have been conducted by the Atomic Energy Regulation Board since its inception along with the name(s) of the institution(s) till date." The Respondents informed the Commission that this is the first time the exam as mentioned in the RTI application was conducted. As such they have the information in relation to the present exam only which they have denied under section 8(1)(j) of the RTI Act as it is related to the other candidates.

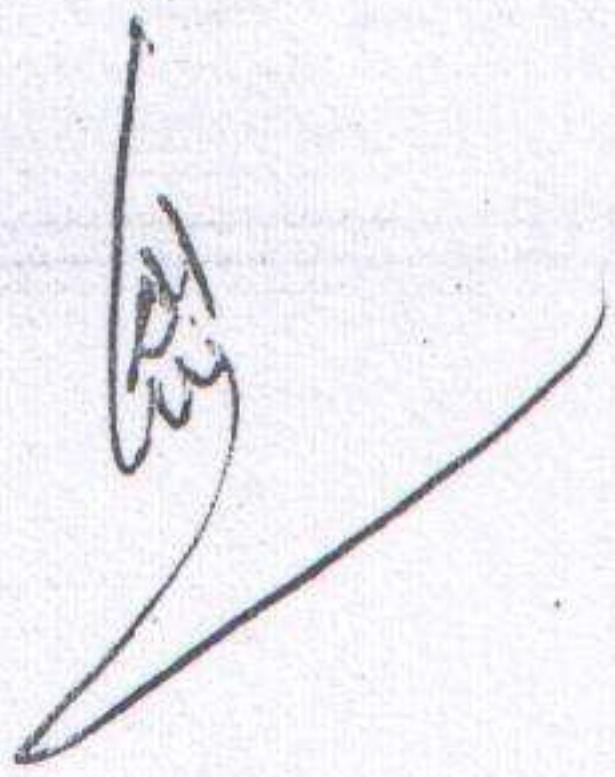
12. The Commission is of the view that all that the Appellant can be provided in respect of this point is the notification of the result of successful candidates in respect of the examination (mentioned in the RTI application). The CPIO is accordingly directed to give this information to the Appellant.

13. Appeal is disposed of with the above directions, which are to be complied with within 2 weeks of receipt of this order.

Sushma Singh

(Sushma Singh)
Chief Information Commissioner

Authenticated by



(D.C. Singh)
Deputy Registrar



Address to the Parties:

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