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Central Information Commission
Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi-110066
Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SM/A/2013/000818-SS
March 24, 2014

Appellant : Shri Bhusshan Dasharath Sawant
Respondents : Bhabha Atomic Research Centre
Date of Hearing : 24.03.2014

ORDER

The present appeal, filed by Shri Bhusshan Dasharath Sawant 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. The Appellant was present at NIC VC facility at Mumbai.

2. The Appellant through an RTI application dated nil sought following information in respect of the recruitment conducted to the post of UDC in the public authority vide advertisement No. I/2011-R-III).

- "1. Photocopy of the Answer Sheet of the written exam of the selected & wait list candidates in General /UR Category (As per list attached) vide above said advertisement for UDC posts.
2. Photocopy of the Oral Interview rating of selected & wait list candidates in General /UR Category for the post of UDC vide above said advertisement.

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3. *Photocopy of the Oral Interview rating & written Answer sheet of the application no 1111/002933 held vide above said advertisement."*

3. The CPIO vide his letter dated 12.10.2012 declined the disclosure of information in respect of point Nos. 1 & 2 of the RTI application to the Appellant citing exemption under section 8(1)(j) of the RTI Act. As for point No. 3, he furnished copies of OMR sheet along with question response analysis to the Appellant. As for photocopy of oral interview rating, he stated that a combined list of oral interview rating is only available. He however mentioned the marks obtained by the Appellant in the interview.

4. Dissatisfied with the CPIO's reply the Appellant filed an appeal dated nil before the Appellate Authority wherein he listed out the information (on 3 points) which has not been provided to him.

5. The Appellate Authority disposed of this appeal vide order dated 27.11.2012 wherein he examined all three points mentioned in the appeal and recorded his findings against each of them. As for point No. 1 of the appeal, he observed that Appellant had not asked for question paper of UDC exam in original RTI application. He however enclosed copy of question paper with his order. As for point No. 2 of the appeal, the Appellate Authority provided the bifurcation of oral interview marks awarded to the Appellant by each Committee members, while however also observing that Appellant has not sought detail of marks in his original RTI application. As for point No.3 of the appeal, the Appellate Authority, inter alia, informed the Appellant that marks of all candidates called for interview is displayed on BARC website. The Appellant can login with his date of birth to check the marks. He also enclosed salient features of recruitment process for the appointment to the posts of UDC. As for point No. 4 of the appeal, the Appellate Authority held that

original answer sheet is a part of records and same cannot be provided. Attested copy of OMR sheet has already been provided to the Appellant by the CPIO.

6. The Appellant thereafter filed the instant appeal before the Commission stating that he is not satisfied with the order of the Appellate Authority.

7. During the hearing, the Appellant states that he wants to obtain attested copy of original sheet wherein the Committee Members had recorded the marks allotted to the individual candidates at the time of interview. He also requests for copies of answer sheet of other candidates. He also insists that he be provided with reasons for not giving him the expected marks in the said examination process. The Respondents state that they have no difficulty in providing attested copy of the sheet wherein the Committee Members had recorded the marks allotted to the individual candidates at the time of interview if it is available in their records.

8. Having heard the submissions and perused the records, the Commission hereby directs that the CPIO, as agreed during the hearing, should check the records of the public authority and furnish attested copy of the sheet, containing the marks allotted to the individual candidates by the Committee Members at the time of interview, to the Appellant if the same is available in the records of the public authority. The CPIO shall also give the aggregate marks (both of interview and written exam) of the selected candidates to the Appellant. *This information is to be provided within 2 weeks of receipt of this order.* However there shall be no disclosure with regard to copies of answer sheet of other candidates as it attracts exemption under section 8(1)(j) of the RTI Act. As regards the Appellant's demand that he be provided with reason as to why he was not given expected marks in the said

examination, the Commission finds that such query cannot be answered under the RTI Act as it does not qualify to be information as defined in section 2(f) of the RTI Act.

9. Appeal is disposed of accordingly.



(Sushma Singh)
Chief Information Commissioner

Authenticated by



(D.C. Singh)
Deputy Registrar

Address to the Parties:

1. Shri Bhusshan Dasharath Sawant
3/9 Madhusudan Sadan
J M Road, Kokan Nagar
Bhandup (W)
Mumbai 400078
2. The Central Public Information Officer (RTI)
& Director (P&A)
Bhabha Atomic Research Centre
Central Complex, 3rd Floor
BARC, Trombay
Mumbai 400 085
3. The Appellate Authority (RTI)
Bhabha Atomic Research Centre
Central Complex, 3rd Floor
BARC, Trombay
Mumbai 400 085