

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Hon'ble Shri D.N.Padhi, SCIC

Date: 4th April, 2008

Complaint Case No. 1640/2007

Chitta Ranjan Panda,
State Bank Road,
Balaji Tota Street,
Berhampur-760001.....Complainant

-Vrs-

1. Public Information Officer,
Industries Department,
Government of Orissa,
Secretariat, Bhubaneswar
2. Public Information Officer
State Council for Technical Education and Vocational Training,
Orissa, Unit-VIII,
Bhubaneswar-751012,
3. Public Information Officer,
BPUT, Kalinga Nagar, Ghatikia,
Bhubaneswar.....Opposite Parties



Decision

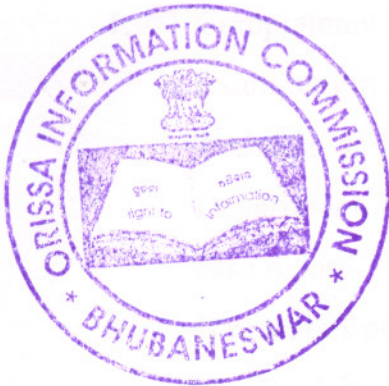
1. Complainant Chittaranjan Panda is present. Sangram Kesari Misra, Controller of Examination -cum-PIO, State Council for Technical Education and Vocational Training and Basant Kumar Behera, Deputy Secretary -cum-PIO, Industries Department, Government of Orissa are present. Heard both sides. Perused the case record.
2. It reveals from the documents filed in this case that the Complainant had sought copies of his evaluated answer sheets of theory papers 1, 2, 3 and 4 of the 6th Semester Examination, 2007 of the Electronics and Telecommunication branch. The said examination was conducted by the State Council for Technical Education and Vocational Training (SCTE and VT for short).
3. It is seen that the form A application dated 18.07.2007 was filed by the Complainant in the Central RTI Cell of the Secretariat addressed to the PIO, Industries Department. The said PIO transferred the application under Section 6(3) of the RTI Act, 2005.(Act for short) to the Biju Patnaik University of Technology, Orissa (BPUT for short) vide Department letter No. 10985 dated 26.07.2007.

4. Few days thereafter the applicant met the PIO, Industries Department, Secretariat and orally intimated him that he had not received any information and the information sought for by him would be available in the office of SCTE and VT and not BPUT. Accordingly, the PIO, Industries Department again transferred another copy of the form A application of the Complainant to the SCTE and VT vide letter No.12847 dated 27.08.2007 under intimation to the Complainant. The PIO of the transferee Public Authority then intimated the Complainant vide letter No. 2987 dated 18.09.2007 that there is no provision in SCTE and VT to supply photocopies of evaluated answer papers. The transferee PIO also intimated the said fact to the Industries Department.
5. From the above narration of facts which has been admitted to by both the parties, no delay appears to have occurred at the level of the PIO of any of the Public Authorities involved in the case.
6. The only crucial question for consideration is whether supply of copies of evaluated answer papers of the examination to the examinees (himself/herself) can be denied under any provisions of the RTI Act,2005 (Act for short). The State Commission in many similar matters have consistently held, by giving reasoned decision, that copies of the answer sheets are to be supplied to the examinee by blanking out the name of the examiner (s), his/her initial and the code number etc to maintain secrecy and fiduciary relationship . There appears no substance in the submission of the transferee PIO that there is no rule/decision in the Council to provide copy of evaluated answer papers. He has, perhaps, lost sight of the over-riding provision contained in Section 22 of the Act. Even if there is no provision in the Council, the overriding effect of Section 22 of the Act shall govern the case.
7. There appears another telling circumstance to the effect that the PIO in his intimation dated 18.09.2007 (supra) has not rejected the RTI request of the Complainant. On the contrary he has only intimated the Complainant that his request is under process. If the request of the Complainant is pending and in the meantime 30 days have elapsed the Public Authority is legally bound to provide information to the Complainant, free of cost, as enshrined at Section 7(6) of the Act.

8. For the reasons aforesaid the State Commission while allowing this case direct the transferee PIO of SCTE and VT, Bhubaneswar to provide the requested information in photocopy form sought for by the Complainant on or before 19.04.2008, free of cost, by registered post after blanking out/blocking the relevant portions indicated at paragraph-6 and report compliance to the State Commission through the Registrar. Subject to the above compliance by the transferee PIO, SCTE and VT, Bhubaneswar the case of the Complainant is closed and disposed of.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 4th day of April,08.




Hon'ble SCIC

4.4.08