

BHUBANESWAR**Present: Hon'ble Shri D.N.Padhi, SCIC****Date: 27th January,2009****Second Appeal No.149/2008**

Bhagaban Jena,
 Police Camp,
 At/PO- Sunabeda-763003,
 Koraput districtAppellant

1. Public Information Officer,
 Orissa Staff Selection Commission,
 Barrack No.1, Unit-IV,
 Bhubaneswar.
2. First Appellate Authority,
 Orissa Staff Selection Commission,
 Barrack No.1, Unit-IV,
 Bhubaneswar.....Respondents


**Decision**

1. Appellant Bhagaban Jena is present. Raj Kishore Das, Under Secretary -cum-PIO and Jabar Bhoi, Deputy Secretary, Orissa Staff Selection Commission, Bhubaneswar are present. Heard and perused the case record.
2. It is seen from the record that Appellant Bhagaban Jena had filed an application dated 06.02.2008 under Section 6(1) of the RTI Act,2005 (Act for short) seeking photocopy of his General Studies evaluated answer sheet of SI of Police Examination,2006. The PIO had rejected the request under Section 7(9) of the Act with the approval of his competent authority and communicated the same to the Appellant vide letter no.423 dated 13.02.2008. Being aggrieved by the decision of the PIO, the Appellant filed an appeal on 29.02.08 under Section 19(1) of the Act before the First Appellate Authority, who dismissed the appeal by upholding the decision of the PIO. Hence this second appeal dated 17.05.09 under Section 19(3) of the Act.

3. The State Commission upon hearing the facts from both the parties are not convinced that actions taken by the PIO as well as by the First Appellate Authority in rejecting the request are reasonable and in conformity the Section 7(9) ibid which reads as follows:
" An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question".
Therefore, the PIO should not have claimed exemption under the above Section to reject the request. This was a wrong application of a legal provision.
4. In view of the above, the State Commission were of the opinion that:
 - (i) there is no embargo in supplying the photocopy of the own answer papers of the Appellant to him,
 - (ii) the required information be supplied within 15 days, free of cost, to the Appellant by the PIO, in view of the apparent delay,
 - (iii) the signature, name of the Examiner/Chief Examiner and the code roll number etc on the answer paper are to be blocked before sharing the information by way of a photocopy so as to preserve the sanctity of the examination system.
5. Compliance report be submitted by the PIO to the State Commission through the Registrar. Subject to the compliance of the above orders, the case is disposed of and closed.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 27th day of January, 2009


SCIC
27-1-09