

Before PIO/WB Regional School Service Commission MBC Institute of
Engineering & Technology Campus Sadhanpur
PO+Dist-Burdwan Pin-713101

Sub- Request information under RTI Act

D/Sir,

I appeared in the examination for the post of Asstt Teacher in recognized non-
Govt aided Schools (excluding Madrasas) in physical education (pass) under 9th
RLST (AT)2008.

Please refer to my details

i)My Roll No- 15400074

ii)My Reg No- 1165400012

iii)Date /time of exam- 21/12/2008 02.00PM -03.45 PM

iv)Subject-Physical education (Pass)

v)Exam centre- Ramesh Chandra Girl's High School, 7,N.L Goswami St,
PO-Serampore, Dist-Hooghly

Consequent on above I request following information

- 1.Please provide me the certified copy of the answer along with question sheet part-I
- 2.Please provide page wise marks awarded in each page-part-I
- 3.Please provide question wise marks for each question-part-I.
- 4.Please provide the certified copy of the question and answer sheet of General Knowledge -part-II

The disclosure of answer sheet under RTI Act 2005 has the reference of the
Hon'ble Supreme Court in the case of Central Board of Secondary Education
and Anr Vs Aditya Bandopadhyay and ors in civil appeal No-6554 of 2011 dt 9th
August 2011.

Besides order of the Central Information Commission in File No-
CIC/SM/A/2011/002046 dt-10/7/2012 may please be referred also.

It is further intimated that this applicant is asking for disclosure of answer sheet
and not for "revaluation" of the answer sheet.

Dt- 16/7/2018

C/O Late Madan Gopal Ghosh

42/2 Bank Para ,

PO-Sheoraphuli /Hooghly

Pin-712223

Yours faithfully

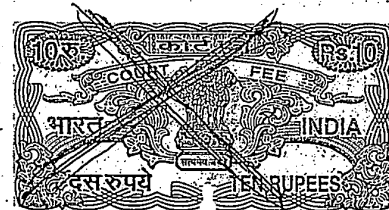
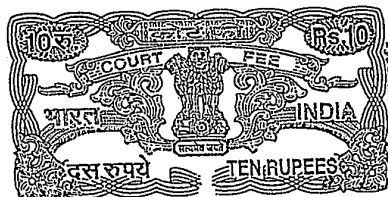
Subhra Ghosh

(Mrs Subhra Ghosh)

M-8697073125

1.Court Fee stamp Rs10/- 2. AADHAR of the applicant

3.CIC order dt-10/7/2012 File No-CIC/SM/A/2011/002046 for ready reference please.



REGISTRATION NO: 1987162331985
SERAMPORE HO <712201>
REGISTRATION NO: 2.18/07/2018.13:56
REGISTRATION NO: W.B. REGD/SCH SE
REGISTRATION NO: Burdwan HO
REGISTRATION NO: SHEORAPHULI
REGISTRATION NO: (Cash) Tax: 6.30
www.indiapost.gov.in

Central Information Commission, New Delhi

File No.CIC/SM/A/2011/002046 under Section 19 of the Right to Information Act

Date of hearing: 24.05.2012

Date of decision: 10.07.2012

Name of the Appellant: Dr. A. Arun Thamburaj

Name of the Public Authority: CPIO, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi

Appellant was present in NIC Studio Chennai Respondents were represented by learned Senior Counsel Shri Naresh Kaushik.

Chief Information Commissioner: Shri Satyananda Mishra

Facts: 1. Dr. A. Arun Thamburaj, hereinafter 'the Appellant', filed RTI Application Dated 19 May 2011 to the CPIO, Union Public Service Commission, New Delhi seeking the following information:

A. The no. of pages and answer sheets written by Appellant in Zoology Paper I and II in the Civil Services Mains Examination 2010 bearing Roll no. 23975 held on November 12 2010.

B. The Number of Additional Answer sheets used by Appellant in the Zoology Paper I and II.

C. Page wise Marks awarded in each page in Zoology Paper I and II.

D. Question wise marks awarded for each Question in Zoology Paper I and II.

E. Number of answer sheets taken up for evaluation in Zoology Paper I and II.

F. Photocopies of my written answer scripts of Zoology Paper I and II may kindly be provided.

2. In his Order dated 9 June 2011, CPIO replied with respect to Points no. 1, 2, and 5 of the RTI Application that information is not being maintained in the format as desired by the RTI Applicant and CPIO shall not take any research to collect and compile those aspects of information.

3. With respect to Points no. 3 and 4 of the RTI Application, CPIO replied that question wise/page no. wise marks are not maintained. As moderation is required with respect to the total marks secured by the candidates, therefore at the end of the evaluation, question wise marks do not subsist and therefore cannot be provided to the Appellant.

4. With respect to Point no. 6, CPIO replied quoting the CIC Decision CIC/WB/A/2006/00394 dated 23/4/2007 in which it was clearly decided that Constitutional bodies like UPSC whose main function is to conduct the examination need not disclose the evaluated answer sheets under RTI Act, 2005.

5. Not satisfied with the reply of the CPIO, the Appellant preferred first Appeal to the First Appellate Authority dated 19 June 2011.

6. In his Order Dated 30 June 2011, FAA informed the Appellant that he is satisfied with the decision taken by the CPIO as it is in line with the earlier decisions of the CIC not allowing the disclosure of Answer sheets.

7. Being aggrieved and not being satisfied by the above response of the public authority, the appellant preferred second appeal before the Commission dated 10 August 2011.

8. Matter was heard today on priority basis based on the observation made by the Madras High Court in the case A. Arun Thamburaj v. UPSC, New Delhi Writ Petition no. 21750/2011 dated 7 February 2012, in which same matter was at issue.

The High Court had observed: "...The said question requires no consideration in this writ petition, as admittedly the request of the petitioner for such information had been denied by the two authorities of the respondent-UPSC under the Right to Information Act and a further appeal to the appellate authority under the Act is also pending. The petitioner would be entitled to pursue his remedy under the Act before the appellate authority in the pending appeal. For that reason, we are not inclined to express any opinion on the question as to whether the petitioner would be entitled to perusal of the answer scripts produced before this Court as per our earlier direction..."

9. At the hearing, the Appellant i.e. Dr. A. Arun Thamburaj was present through videoconferencing at Chennai while the Respondents were represented through the Senior Counsel Shri Naresh Kaushik.

10. Appellant broadly submitted that disclosure of answer sheets with respect to the Examination bodies has been allowed by the Hon'ble Supreme Court in the case of *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors.* in Civil Appeal No. 6454 of 2011 dated 9 August 2011. The Appellant further submitted that the said law applied to the present case, his own answer sheet should be allowed for disclosure under RTI Act, 2005 after duly severing the names and/or signatures of the examiner of the answer sheet. It was further said that he is only asking for the disclosure of the answer sheets and not for 'reevaluation' of the answer sheets. The Appellant as per his submission has been a bright student throughout his career and has been a topper in the Zoology subject and hence the low score attained by him in the examination conducted by UPSC has resulted into the filing of present RTI Application.

11. Respondent submitted that UPSC Mains examination is a special examination conducted at a national level in multiple subjects and languages. It is conducted for the selection/recruitment of candidates for the Government post. The said examination stands at a different footing compared to the Board Examinations conducted at class 10th and 12th level of the different schools of India by Central Board of Secondary Education or other similar Central/State Boards. Also, the methodology of the evaluation of the Answer sheets by the UPSC is confidential in nature, unlike CBSE and disclosure of answer sheets may also reveal the said methodology involved in the said evaluation. The Respondents further submitted that

disclosure of the said answer sheet of the Appellant would not serve any rational purpose as the 'reevaluation' of the Answer sheets is not allowed as per the rules of the UPSC Examination. Another issue raised by the respondents that for certain languages/subjects only *few* examiners are available and disclosure of the answer sheets in those subjects *may indirectly* disclose the identity of those *few* examiners.

Decision Notice

12. The Commission has heard the submissions of the respective parties in detail. As submitted by the respondents, the information i.e. evaluated answer sheets written by Appellant in Zoology Paper I and II in the Civil Services Mains Examination 2010 has been presently held by the Public Authority and has not been destroyed as per the prevailing rules.

13. The *core issue* in the present case is that whether the answer sheets written by Appellant in Zoology Paper I and II in the Civil Services Mains Examination 2010 held on November 12, 2010 can be disclosed under the RTI Act, 2005.

14. After Judgment of the Hon'ble Supreme Court in *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors.* in Civil Appeal No. 6454 of 2011 dated 9 August-2011, the legal dictum is clear that 'evaluated answer sheets' are within the purview of 'information' under section 2 (f) of the Act and 'disclosure of Answer sheets' of an examination conducted by any examination body being 'public authority' is mandated under the RTI Act, 2005. The Court has observed:

"...The definition of 'information' in Section 2(f) of the RTI Act refers to any material in any form which includes records, documents, opinions, papers among several other enumerated items. The term 'record' is defined in Section 2(i) of the said Act as including any document, manuscript or file among others.

When a candidate participates in an examination and writes his answers in an answerbook and submits it to the examining body for evaluation and declaration of the result, the answer-book is a document or record. When the answer-book is evaluated by an examiner appointed by the examining body, the evaluated answer-

book becomes a record containing the 'opinion' of the examiner. Therefore the evaluated answer-book is also an 'information' under the RTI Act..."[emphasis added]

15. The Commission would like to take each submissions made by the Respondents individually.

a) The main contention of the respondents is that the disclosure of the answer sheets written by Appellant in Zoology Paper I and II in the Civil Services Mains Examination 2010 would reveal the methodology/procedure for secret evaluation of answer sheets, prevailing at the UPSC.

16. The above contention is flawed in two ways, (1) the criteria of evaluation would not be disclosed by the knowledge of the marks provided to the answer in each of the questions. Further the marks weightage allotted to each question is already in the Public Domain. (2) The personal details of the examiners would be severed under section 10 of the Act and hence the evaluation criteria of the individual examiner would certainly not come under the public domain and thus disclosure of the answer sheets written by Appellant would not reveal the methodology/procedure for secret evaluation of answer sheets, prevailing at the UPSC.

17. In the Order of the Delhi High Court in the case *ALL INDIA INSTITUTE OF MEDICAL SCIENCES Vs. VIKRANT BHURIA* LPA No.487/2011 dated 28 May 2012, the division bench has allowed the non disclosure of the Certified copies of original questions papers of all M Ch super-specialty entrance exam conducted from 2005-2010 under RTI Act stating that said question papers are in the nature of the 'Intellectual Property' of the AIIMS. But in the present case, the Answer sheets of the Appellant cannot be considered as 'Intellectual Property' of the UPSC which cannot be disclosed under the RTI Act, 2005. Also, the non disclosure was due to the possibility of asking limited questions under AIIMS Examination but with UPSC Examination no such contention has been made by the Respondents.

18. The next issue raised by the respondents is about certain languages/subjects in which only a few examiners are available and disclosure of the answer sheets in those subjects may indirectly disclose the identity of those few examiners. This contention also cannot be accepted by the Commission as even the grading given in the Annual Confidential Reports are now disclosed under the RTI Act and despite name and other personal details may be severed before disclosure, the Applicant may be indirectly aware of the person(s) who have prepared/graded the ACR. If the argument of the respondents is blindly accepted then all the ACR grading disclosure should not be allowed under the RTI Act, for a remote possibility of threat to the life of the person(s) who have prepared/graded the ACR. The RTI cannot be implemented in such hard bounds; it needs practical implications and not theoretical imaginations. In any case, there shall remain no trace of any signature, name or reference to the examiner as all this will be deleted before the disclosure.

b) The next contention raised by the Respondents is that the Judgment of the Hon'ble Supreme Court in *Central Board of Secondary Education and Anr. Vs. Aditya Bandopadhyay and Ors* applies only to the Board Examination conducted at class 10th and 12th level of the different schools of India by Central Board of Secondary Education or other similar Central/State Boards.

19) The Commission is of the view that Respondents are having restrictive interpretation of the term 'examination bodies' in the said Judgment of the Hon'ble Supreme Court. The said judgment does not specifically show that the expression 'examining bodies' does not include the examination conducted for the selection/recruitment of candidates for the Government post by UPSC. The judgment discusses the Examination conducted by the Board, but that is because the CBSE is the petitioner in the said case; however, the court has not purposefully excluded the Public Authorities conducting the examination for the employment purposes. In the absence of the conclusive definition of the term 'examination bodies', the same has to be given wider implication.

20.) If the contention of the UPSC is accepted, it will imply that all examinations conducted for promotion and recruitment, etc by different public authorities, specially Banking and Insurance industry would become outside the purview of the RTI Act. This will be against the very objective of the RTI Act to enhance transparency in the working of the Public Authorities. Hence the Contention raised by the Respondents cannot be accepted by the Commission.

21) Further, Delhi High Court in *Oriental Insurance Company Limited v. Tanmayee Ranjan W.P.(C)* 1917/2011 Dated 23 February 2012 has allowed the disclosure of answer sheets under RTI Act for the Examination conducted by the Oriental Insurance Company Limited on 14/6/2009 for promotional purposes.

The said examination is only conducted for Promotional/employment purposes and not for School Board examination.

The Delhi High Court has observed: "*The petitioner, Oriental Insurance Company Limited assails the decision dated 16.07.2010 passed by the Central Information Commission whereby the Central Information Commission directed the petitioner to provide the information sought by the petitioner i.e., the answer sheet of the petitioner in respect of the promotional exam held on 14.06.2009 wherein the respondent participated under roll no. 33028. In view of the decision of the Supreme Court in C.B.S.E vs. Aditya Bandopadhyay (2011) 8 SCC 497 the challenge to the impugned decision cannot succeed. The petitioner is bound to provide the answer sheet to the respondent querist.*" [emphasis added]

22.) The next contention taken by the Respondents is that the disclosure of the answer sheets of the Mains Examination would disproportionately divert the resources of the Public Authority. This argument taken by the Public Authority is flawed as compared to the *laks* of answer sheets evaluated by CBSE every year which is under the RTI Act, 2005, the UPSC Mains Examination are limited in numbers and thus would certainly not disproportionately divert the resources of the Public Authority. However, the Commission is not asking the Respondents to preserve the Answer sheets beyond the record retention schedule of the UPSC. The right to access information does not extend beyond the period during which the UPSC is expected to retain the answer-books.

23.) The Commission would also like to highlight the point taken by the Hon'ble Supreme Court in *Inst. of Chartered Accountants of ... Vs Shaunak H Sayta & Ors.* in Civil Appeal No. 7571 OF 2011 dated 2 September, 2011: "*...Examining bodies like ICAI should change their old mindsets and tune them to the new regime of disclosure of maximum information. Public authorities should realize that in an era of transparency, previous practices of unwarranted secrecy have no longer a place. Accountability and prevention of corruption is possible only through transparency. Attaining transparency no doubt would involve additional work with reference to maintaining records and furnishing information. Parliament has enacted the RTI Act providing access to information, after great debate and deliberations by the Civil Society and the Parliament. In its wisdom, the Parliament has chosen to exempt only certain categories of information from disclosure and certain organizations from the applicability of the Act. As the examining bodies have not been exempted, and as the examination processes of examining bodies have not been exempted, the examining bodies will have to gear themselves to comply with the provisions of the RTI Act. Additional workload is not a defence. If there are practical insurmountable difficulties, it is open to the examining bodies to bring them to the notice of the government for consideration so that any changes to the Act can be deliberated upon. Be that as it may.*

26. *We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under section 4(1)(b) and (c) and other information which may not have a bearing on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources."*

24.) Thus In the light of the above observations, Commission directs the Respondents to disclose the evaluated answer sheets written by Appellant in Zoology Paper I and II in the Civil Services Mains Examination 2010 held on November 12 2010 after duly severing the names and/or signatures of the Examiner or any other third party information within one week of the receipt of the Order.

25.) Copies of this order be given free of cost to the parties.

(Satyananda Mishra)

Chief Information Commissioner



WEST BENGAL REGIONAL SCHOOL SERVICE COMMISSION (EASTERN REGION)
M.B.C. Institute of Engineering & Technology Campus
Sadhanpur: Bardhaman

Phone: 0342-2624534
Fax 0342-2625696

Memo.No. 330/RSSC(ER),BDN/2018

Dated:17/08/2018

From: The SPIO & Assistant Secretary
W. B. Regional School Service Commission (ER)
Purba Bardhaman

To: Mrs. Subhra Ghosh
C/O- Late Madan Gopal Ghosh
42/2 Bank Para,
PO- Sheoraphuli
Dist- Hooghly, Pin- 712223

Sub: Your application Under Right to Information Act- 2005 dated:16.07.2018

Sir,

With reference to subject noted above this is to inform you that your aforesaid application under RTI Act-2005 is received in this office on 20.07.2018. Which is now under active consideration for disposal.

The reply providing your prayed information will follow on the basis of the availability of the same as early as possible .

Yours faithfully,


Assistant Secretary

W.B. Regional School Service Commission
Eastern Region, Purba Bardhaman

INDIAPOST017IN IPR:6987369539015
OF DARRACHPORE RS 90 <700123>
Dossier No:4,25/11/2019,13:38
To:THE REGISTRAR,WBSIC KOLKATA
PIN:700087, New Market 9D
From:SUBHRA GHOSH,HOOGLY
Wt:22gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>



Before Hon'ble WBIC 11A Mirza Ghalib Street, Khadya Bhavan
Kolkata-700087

Sub- Request information under RTI Act-2005

D/Sir,

In connection with my Appeal/Complaint dt-25/11/2018 delivered on 29/11/18
to WBIC regarding disclosure of answer sheet I request following information.

1. The mentioned Appeal /Complaint has been admitted by WBIC
2. The said Appeal/Complaint has already been disposed of or is still pending.
3. If already disposed kindly provide me a copy of disposal action.
4. Present status of the said Appeal/Complaint

Dt- 23/11/19
C/O Late Madan Gopal Ghosh
42/2 Bank Para , PO-Sheoraphuli
Hooghly Pin-712223
Mobile-8697073125

Yours faithfully

Subhra Ghosh
(Mrs Subhra Ghosh)

Enclosure-i) Court fee stamp of Rs10/- ii) AADHAR of the applicant

iii) Copy of the appeal / Complaint - 25/11/18

(P) *ms*

Before The WB State Information Commission, 11A Mirza Ghalib Street, Khadya Bhavan Kolkata-700087

Sub- Application for both Appeal/complaint for non adherence of the provisions of the RTI Act:2005.

1. RTI application dt-16/7/2018

2. PIO/Deptt against whom the complaint/Appeal is being made- Before PIO/WB Regional School Service Commission MBC Institute of Engineering & Technology Campus Sadhanpur PO+Dist-Burdwan Pin-713101

3. Name and address of the applicant- Mrs Subhra Ghosh C/O Late Madan Gopal Ghosh 42/2 Bank Para, PO-Sheoraphuli/Hooghly Pin-712223 Mobile-8697073125

4. Name and designation of PIO-The Asst Secretary, WB Regional School Service Commission, Eastern Region, Purba Bardhaman, Dist-Burdwan Pin-713101 Phone-0342 2624534.

5. Date of Reply- No reply was given so far. But through an interim reply dt-17/8/18 it was ensured that information will follow as early as possible.

5. Details of information sought-I appeared on 21/12/2008 in the examination for the post of Asst teacher in recognized non Govt school(excluding Madrasas) in physical education (Pass) under RLST (AT) 2008. I submitted the mentioned RTI application to provide the question & Answer sheet.

ii) In this connection the disclosure of answer sheet under RTI Act 2005 has the reference of the Hon'ble Supreme Court in the case of Central Board of Secondary Education and Anr Vs Aditya Bandopadhyay and ors in civil appeal No-6554 of 2011 dt 9th August 2011.

iii) Besides order of the Central Information Commission in File No-CIC/SM/A/2011/002046 dt-10/7/2012 was also referred.

6. Ground for complaint /appeal - No reply is received from PIO within mandated time laid down by the act.

7. Additional information that may help to draw conclusion- This particular public authority is not only completely indifferent about RTI Act but desperately disregards the legislation enforced by the parliament. My previous complaint dt-5/6/18 against the same public authority will suggest the fact of the complaint.

2

8. Prayer- i) To view the negligence of PIO as "refusal of request"

ii) To impose penalty under sec 20 of the Act

iii) To direct PIO to provide the complete information.

iv) The matter is related with job/employment. It is presumed I have been malafidely deprived although deserved for the appointment as Assistant Teacher. Hence rupees five lakhs may please be awarded to compensate huge and irreparable loss to support livelihood and protect right.

Yours faithfully

Subhra Ghosh.

(Mrs Subhra Ghosh)

Enclosed- i) RTI application ii) proof of delivery collected from India post website
iii) Interim reply of PIO. iv) order of the Central Information Commission in File No-
CIC/SM/A/2011/002046 dt-10/7/2012 was also referred.

Copy to- PIO, The Asst Secretary, WB Regional School Service Commission, Eastern
Region, Purba Bardhaman, Dist-Burdwan Pin-713101 - For information please.

Date :- 25 / 11 / 2018

Subhra Ghosh.

Line ID: 100 -

D. NO - 387 (ATR)

28/01/25

State Chief Information Commissioner West Bengal

Email

Regarding hearing of complaint no 100033 of 2025

From : erwbssc@gmail.com
Subject : Regarding hearing of complaint no 100033 of 2025
To : State Chief Information Commissioner West Bengal
<scic-wb@nic.in>

Mon, Jan 27, 2025 01:20 PM
1 attachment

Sir,
Please find the letter attached herewith regarding intimation of attending hearing of complaint no 100033 of 2025.

With regards
WBRSSC ER

 **Document 108.pdf**
514 KB

Hearing - 12.02.25
S.C

West Bengal Regional School Service Commission (Eastern Region)

M.B.C. Institute of Engineering & Technology Campus
Sadhanpur: Purba Bardhaman



Phone: 0342-2625596
E-mail ID: rsscwr@gmail.com

Memo.No.20/RSSC(ER),BDN/2025

Dated:27/01/2025

**From: The Secretary
W. B. Regional School Service Commission
Eastern Region, Purba Bardhaman**

**To: Rupak Bhattacharjee,
Section Officer,
West Bengal Information Commission,
"Khadya Bhaban",
11A Mirza Galib Street, Sector II
Kolkata - 700087**

Sub:- Intimation regarding attending the hearing of Complaint No. 100033 of 2025.

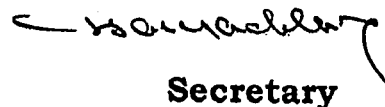
Ref: - Your office memo no. 616-WBIC/RTI/C/100033/25/2025 dated: 21.01.2025.

Sir,

With reference to the subject matter and memo no stated above, I am directed to inform your good office that I shall attend the hearing on 12.02.2025 at 11:30 am on Google meet mode instead of attending your office physically which may kindly be considered.

This is for your kind information.

Yours faithfully,

 27/01/25

Secretary

**W.B. Regional School Service Commission
Eastern Region, Purba Bardhaman**