

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबा गंगनाथ मार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2019/651400**

Smt. Shanti Kumari

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Bhabha Atomic Research Centre (Mumbai)  
Through: Shri Sriram S - CAO

...प्रतिवादीगण / Respondent

Date of Hearing : 18.08.2021  
Date of Decision : 18.08.2021  
**Chief Information Commissioner : Shri Y. K. Sinha**

**Relevant facts emerging from appeal:**

RTI application filed on : 24.05.2019  
PIO replied on : 17.06.2019  
First Appeal filed on : 19.06.2019  
First Appellate Order on : 25.07.2019  
2<sup>nd</sup>Appeal/complaint received on : 18.09.2019

**Information sought and background of the case:**

The Appellant filed an RTI application dated seeking information on 14 points about an examination held on 31.03.2019 for the post of Scientific Assistant "B" (Radiography) vide advertisement No. 01/2018(R-IV). She sought copy of printed online application and scrutiny details of all selected and wait-listed (UR/OBC/SC/ST) candidates; copy of marks secured by all candidates who appeared in written exam held on 31.03.2019; certified copy of OMR sheet of selected and wait-listed (UR/OBC/SC/ST) candidates; copy of question, paper, answer key, details of members of the selection committee, etc.

The PIO vide letter dated 17.06.2019 agreed to furnish the copy of answer keys and copy of Select Panel for the post of Scientific Assistant/B,-Radiography on payment of requisite fees on the basis of records available and denied disclosure of most of the information under Section 8(1)(d), 8(1)(g) and 8(1)(j) of the RTI Act, 2005.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 19.06.2019. The FAA/Controller, BARC vide order dated 25.07.2019 held as under:-

**Point Nos. (1) to (4) of the RTI application :** The appellant had requested for copies of online application and scrutiny details and the PIO has correctly denied the information under section 8(1)(j) of the RTI Act, 2005 as it contains Name, address, Contact and other personal details of the applicants. The candidates who applied for selection against the advertised post have provided information based on trust and the same cannot be disclosed as it would invite unwarranted invasion to the privacy of the individual concerned. This is in line with Delhi High court decision vide W.P.(C) No.3444/2012 dated 23.8.2013 in the case of Union of India vs Hardev Singh.

**Point Nos. (6) & (7) of the RTI application :** The appellant had sought for copies of OMR sheet of all candidates and the PIO has correctly denied the information under section 8(1)(j) of the RTI Act, 2005. This is in line with CIC decision No. CIC/BJ/A/2016/000138-AB dated 10.04.2017 whereby it was stated that OMR sheet of self only can be provided and not of other candidates.

**Point No. (8) of the RTI application :** The appellant is informed that preparation of questions is a time consuming job, which is being done by our scientists/engineers in addition to their normal official assignments. Since the question bank for setting the question papers are limited, the question papers have acquired the nature of Intellectual property of this Centre, the disclosure of which to one person would harm the competitive position of other candidates. Hence, copies of question papers are exempted from disclosure as per section 8(1)(d) of the RTI Act, 2005. This is in line with Delhi High court decision vide LPA No.487/2011 dated 28.05.2012 in the case of All India Institute of Medical Sciences (AIIMS) vs Vikrant Bhurla.

**Point No. (10) of the RTI application :** The CPIO is directed to provide copy of the written exam result, free of cost, within 10 days from the date of issue of the Appellate order.

**Point Nos. (5) and (12) to (17) of the RTI application :** The PIO has correctly denied the information under section 8(1)(j) and it is also in line with CIC decision in the case of Shri Vinay Arora vs UPSC dated 19.07.2018 where the Hon'ble CIC has mentioned that only marks of self can be provided and other details are third party information, hence exempt under section 8(1)(j) of the RTI Act, 2005.

**Point No. (18) of the RTI application :** The appellant had sought qualifying marks for ST candidate for selection and PIO in his reply had requested the appellant to remit the documentation charges for providing the available information. The statement of the appellant that the PIO has denied the information stating hypothetical is not correct. The appellant may remit the requisite fees as directed by PIO under the RTI Act and obtain the information.

**Point No. (20) of the RTI application :** As per section 2(f) of the RTI Act, 2005, the CPIO is not expected to give answers to interrogative questions. The appellant is informed that as per DAE OM No. 24/7/2015-SCS/9514 dated 20.07.2016 it has been decided to continue with interview for the post of Scientific Assistant 'B' & 'C'. Since the post of Radiographer is filled in Scientific Assistant/B, the interview was conducted for the post of Scientific Assistant/B (Radiographer).

The CPIO is directed to provide copy of DAE Order No. 24/7/2015-SCS/9514 dated 20.07.2016, free of cost, within 10 days from the date of issue of the Appellate order.

Records of the case reveal that merit wise marks scored by the candidates in the written examination was provided to the Appellant and is enclosed with the Appeal along with written marks scored by candidates. Still aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

#### **Facts emerging in Course of Hearing:**

Appellant has sent authorisation in favour of Shri Anil Kumar to attend the hearing on her behalf.

A written submission has been received from CPIO/BARC vide letter dated 13.08.2021, wherein apart from reiterating the above facts, it has been pointed out that the FAA's order had been duly complied with by the PIO vide letter dated 29.07.2019.

In order to ensure social distancing and prevent the spread of the pandemic, COVID-19, hearing through video conference was scheduled after giving prior notice to both the parties. Appellant has not been represented at the venue for video conference but Respondent is present for the virtual hearing.

**Decision:**

Upon perusal of records of the case at hand, the Commission notes that FAA's order dated 25.07.2019 is detailed, comprehensive and self explanatory. Information as defined under section 2(f) of the RTI Act has been provided by the Respondent. on the other hand, the Appellant has neither participated in the hearing nor assigned any reason for absence of her representative. In fact the cause of her dissatisfaction with the information provided by the Respondent could not be ascertained. In the given circumstances, no intervention is warranted in this case.

The appeal is disposed off with no further directions.

**Y. K. Sinha** (वाई. के. सिन्हा)  
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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S. K. Chitkara (एस. के. चिटकारा)  
Dy. Registrar (उप-पंजीयक)  
011-26186535

