



**Jammu & Kashmir State Information Commission**

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File No.SIC/CO/Temp No/113/2013

Decision No.SIC/CO/Temp No/113/2013/480

Title:- Shri Yasir Hussain Kanroo R/o Kanli Bagh, Baramulla.

V/s

1. First Appellate Authority,  
J&K Public Service Commission,  
Srinagar.
2. Public Information Officer,  
J&K Public Service Commission,  
Srinagar.

Srinagar

11-07-2013

An unsigned application filed by Shri Yasir Hussain Kanroo before this Commission to issue directions to PIO, Public Service Commission for disclosing information which was sought by him vide his application dated 27-12-2012. This application being unsigned therefore, the commission had informed him to send signed copy of the application vide Commission's deficiency notice No.SIC/CO/Temp No/113/2013-1749 dated 17-04-2013. Accordingly he filed signed copy of application on 19-06-2013 seeking directions by the Commission for disclosure of information sought by him.

The brief grounds of the case are that he had filed an RTI application before the PIO, Public Service Commission seeking disclosure of key of answer to the questions, Series B, Roll No.1140394. He was candidate for examination screening test for the post of Assistant Controller (Legal Metrology) Department. The PIO rejected his application on 16-01-2013 by offering him an inspection of OMR sheet as well as key and accordingly he was directed to visit the PIO's office at Jammu. He had later on filed first appeal before the FAA on 29-01-2013. The FAA sought his personal attendance for disposal of his appeal at Jammu vide opportunity notice No.PSC/RTI/2013/12 dated 13-2-2013. Again he could not attend his office on the reasons that he being an unemployed youth could not afford expenses for travel. The FAA as per section 16 of the State RTI Act is duty bound to dispose of the first appeal in accordance with the law. Though the appellant did not attend before him, his absence should have not refrained the FAA to discharge his duties which are assigned to him under section 16 of the

State RTI Act. It is unfortunate that senior officer of the constitutional body is not sensitive to statutory duties cast on him.

The issue of providing keys to the candidates to various examinations has come earlier under the consideration of the Commission and keeping in view the definition of information in section 2 of the State RTI Act the Commission has declared that such information is giveable and should be disclosed to the information seeker who wants such information. The commission has been informed by the appellant that some other boards like BOPEE are already making 'key' available on website and news papers immediately after exams are over. The PIO is accordingly directed to disclose key as sought by the information seeker. The PIO cannot thrust the option of inspection on the information seeker because the Act has given option to the information seeker either to seek information, copies of any document etc. or apply for inspection of documents. Thus the PIO cannot dictate option to the information seeker. Therefore, the information be disclosed within 10 days from receipt of this order with compliance report to this Commission.

Sd/-  
G.R.Sufi,  
Chief Information Commission, J&K.

Copy to the:-

1. First Appellate Authority, J&K Public Service Commission, Srinagar.
2. Public Information Officer, J&K Public Service Commission, Srinagar.
3. Shri Yasir Hussain Kanroo R/o Kanli Bagh, Baramulla.
5. Guard file.

(Mohammad Syed Shah)  
Registrar,  
J&K State Information Commission at Srinagar.