



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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File No: SIC/CO/SA/76/2013

Decision No: SIC/CO/SA/76/2013/570

Title:- Mohd. Asrar Wani  
V/s  
PIO, Public Service Commission

Jammu  
23.01.2014

This is a second appeal filed by Shri Mohd. Asrar Wani, a resident of the state. Shri Fayaz Ahmed Sheikh, Additional Secretary –cum-PIO Public Service Commission and Shri Vijay Puri representative of the appellant attended. Brief grounds of appeal are that the appellant filed an RTI application before PIO on 30.5.2013 which was responded by the PIO on 21.6.2013. Order so passed by the PIO is within time which is appreciated. The PIO rejected the application of the appellant holding that the information seeker has sought replies to the questions which cannot be qualified as information under State RTI Act, 2009 particularly relying on Hon'ble Supreme Court's judgement in the case of CBSE and another V/s Aditya Bandhopdhyay and others. The appellant preferred first appeal before FAA on 11.7.2013 which was received in the office of FAA on 12.7.2013 requesting the FAA for a direction to PIO for disclosing the information. The FAA heard the appeal and adjudicated the same vide his order dated: 9.7.2013 after hearing the appellant and the PIO. FAA by and large agreed with the findings of the PIO and also stated that Hon'ble High Court has stayed the proceedings. The Commission has heard both the parties and

also gone through the RTI application, PIO's orders and order of FAA. The Commission concurs with the contents of PIO that so far as information on point 1 and 2 of the RTI application is considered, the information has already been disclosed in the question paper itself and number of questions to be attempted is in public domain and the appellant himself knows it. There was no need to provide such information which is also in public domain. Under the State RTI Act, it is the resident of the state who has a right to seek information or prefer only inspection. How the information which is to be given cannot be left to the PIO. The information be provided to appellant with regard to point No 3 i.e he should be told how many question have been evaluated by the Evaluator. The candidate has to be provided details of marks and number of question which have been evaluated. Similarly, he be provided with the copies of answer sheets of compulsory papers II and VI and optional paper II if existing on record. Similarly information on point Nos 5,6,7,8 and 9 be provided to the appellant. However, no names and details of Experts and Members of the interview panel are to be disclosed. This information be provided to the appellant within a period of 20 days from the receipt of this order.

Sd/-

(G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K Public Service Commission, Jammu.
2. Public Information Officer, J&K Public Service Commission, Jammu
3. Shri Mohd. Asrar Wani, S/o Moh. Ismail Wani, R/o Zakura Crossing, Srinagar
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )

Registrar

State Information Commission