



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No : SIC/DMJ.59/2018
 Complainant/ Appellant : Anup Hazarika.
 Respondent : The SPIO, Assam Public Service Commission, Jawaharnagar
 Khanapara, Guwahati-22.
 Date of hearing : 2.7.2019
 Complaint/ Second : Nilufer Alam Hazarika, IAS (Retd.)
 Appeal heard by : State Information Commissioner, Assam
 Date of order : 2.7.2019

O R D E R
2.7.2019

The petitioner Anup Hazarika is present. The public authority is represented by Sri Naba Kr. Das, SPIO and Under Secretary of Assam Public Service Commission (APSC) assisted by Sri Bhaba Das, Jr. AA of APSC.

The SPIO and Under Secretary of APSC has informed the Commission vide letter dated 27.6.2019 that the information was furnished to the petitioner on 1.9.2018. However, Sri Anup Hazarika was not satisfied with the reply furnished. he submitted his first appeal petition dated 19.9.2018 and hearing was fixed on 26.12.2018 and the First Appellate Authority has ordered to furnish information against point no. 1 of the RTI petition and accordingly information was furnished to the petitioner. Regarding point Nos. 2 and 3 of the RTI petition the petitioner was intimated that marks awarded against academic qualification, teaching experience and viva voice and copies of the OMR answer sheets could not be provided as per rule 8(1)(d) and rule 8(1)(j) of the RTI Act, 2005.

Dissatisfied with the information furnished by the First Appellate Authority and the SPIO of APSC, the petitioner has submitted his second appeal petition dated 17.11.2018 for denial of information by the public authority. He referred to order of Central Information Commissioner dated 20.1.2016 and Delhi High Court judgment VS UPSC dated 21.12.2015 where in, in greater public interest the public authorities were directed to furnish the information.

On perusal of records it is seen that the information sought for by the appellant vide point no. 2 of his RTI petition relates to marks awarded to the eight (8) finally selected candidates against HSLC, Higher Secondary, Degree, Post Graduation, B.Ed, M.Ed, M.Phil, PhD, experience in teaching and administration separately and viva voice marks by the interview board. Vide point no. 3 he sought for copies of OMR sheets of the eight selected candidates. After considering the submission made by both the parties, the Commission observes that the information sought for vide point nos. 2 and 3 are personal information and relates to third party, but the Commission is of the opinion that public interest in disclosure of information sought for outweighed in importance of any possible harm or interest of the third party. Therefore, the public authority is directed to provide the

information sought for by the appellant in his RTI application as per sec 11(1) of the RTI Act, 2005 within 21 days from the date of receipt of this order.

With the above order, the second appeal petition dated 17.11.2018 is disposed of.

Sd/-
(Nilufer Alam Hazarika, IAS (Retd.))
State Information Commissioners, Assam
Panjabari, Guwahati

Authenticated true copy.



Joint Registrar
Assam Information Commission

Memo No. SIC/DMJ.59/2018

Dated. 2.7.2019

Copy to:

1. The SPIO, Office of the Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22 for information and necessary action.
2. The First Appellate Authority, Office of the Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22 for information and necessary action.
3. The Petitioner, Sri Anup Hazarika, C/o- Mr. Durgeswar Deori, Ward No.-1, Sukapha Nagar, Dist- Dhemaji, Assam, PIN-787057 for information.
4. Computer Section for uploading in the Website.
5. Office File
6. Order Book



Joint Registrar
Assam Information commission