

Case No. : SIC/KP(R).371/2020
Complainant/ Appellant : Shri Mainul Haque Choudhury
Respondent : The SPIO, Commissionerate of Panchayat & Rural
Development, Juripar, Panjabari, Guwahati
Date of Hearing : 22-02-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
22-02-2021

1. The appellant Shri Mainul Hoque Choudhury is present.
2. The SPIO, O/o the Commissionerate of Panchayat & Rural Development (P&RD), Govt. of Assam, Guwahati, is absent. But the Commission has received a written statement from the Joint Director, P&RD Commissionerate No. DRD-2RTI/226/2019/Pt./16 dated 20.02.2021, informing that informations available with the office related to the RTI application of the appellant Shri Mainul Hoque Choudhury dated 06.02.2020, has been furnished vide letter No.DRD-2RTI/226/2019/Esstt/61 dated 19.02.2021 by registered post. Copy of the same has been furnished along with the written statement. On examination, it is seen that the SPIO has provided the appellant photocopy of the OMR sheet with analysis report against Roll No. PNRD1882257649, that being the Roll No of the appellant Shri Mainul Haque Choudhury, in the Competitive Examination, 2018, conducted by the P&RD Department, Govt. of Assam, in 2018. While the appellant had sought photocopies of OMR answer sheet of other candidates who had taken the said examination, the SPIO has refused to furnish them as those related to third party information under Section 8(1) of the RTI Act, 2005.
3. The appellant had in his RTI application also sought names of the candidates selected in the above-mentioned examination, whose Roll Numbers were published in an advertisement in certain newspapers on 06.03.2019. The appellant had also sought signature sheets of the selected candidates showing the signatures of invigilators alongside the signatures and photographs of the candidates. He had also sought details of the centers in which the selected candidates had taken the said examination. The SPIO, in the above-mentioned written statement has stated that information related to these queries cannot be furnished because those were third party information under Section 8(1) of the RTI Act.
4. From perusal of records and provisions of the RTI Act, 2005, it can be surmised that there can be no bar in providing the names of examination centers in which the selected candidates had taken the said written examination.
5. In view of the above, while copies of answer scripts of candidates other than that of the petitioner are exempt under Section 8(1) of the RTI Act, 2005, the same provisions of exemption also applies to sharing of names of candidates and signature of invigilators and candidates along with photographs of the letter as put on signature sheets, and thus cannot be shared or furnished.
6. However there is no bar or exemption in providing information related to the examination centers where the selected candidates had taken their written test for the above-mentioned examination. As such the SPIO, O/o the Commissionerate of Panchayat & Rural Development (P&RD), Govt. of Assam, Guwahati, is hereby directed to provide the appellant information as sought under point 4 of his RTI application i.e. names of the examination

centers where the selected candidates, whose Roll Numbers were published by the Department through newspaper advertisement.

7. Since there is no bar or exemption in sharing information about the total marks obtained by selected candidates, hence the SPIO, O/o the Commissionerate of Panchayat & Rural Development (P&RD), Govt. of Assam, Guwahati, is hereby directed to provide the total marks obtained by the selected candidates alongside their Roll Numbers, without revealing their names.
8. The above informations shall be provided within 15 (fifteen) days from the receipt of the date of this order, The SPIO is also directed to send an Action Taken Report to the Commission on this order at the earliest

Sd/-

(Samudra G. Kashyap)
State Information Commissioner,
Assam,

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(R).371/2020

Dated: 22-02-2021

Copy to:

1. The SPIO, Commissionerate of Panchayat & Rural Development, Juripar, Panjabari, Guwahati-37, for information and necessary action.
2. The First Appellate Authority/ Commissioner & Secretary, Panchayat & Rural Development Deptt., Dispur Guwahati, for information.
3. The petitioner, Shri Mainul Hoque Choudhury, S/o- Mahbubar Rahman , Vill- Dekarkuchi, P.O.- Soneswar, P.S.- Kamalpur, Dist- Kamrup(R), PIN-781382, Assam, for information.
4. Computer section for uploading in the website
5. Office File
6. Order Book

Secretary & Registrar
Assam Information Commission