

Case No. : SIC/CCR.20/2020
Complainant/ Appellant : Shri Amalangshu Das
Respondent : The SPIO, Office of the Assam Public Service Commission, Khanapara, Guwahati-22, Assam
Date of Hearing : 18-02-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
18-02-2021

1. The appellant Shri Amalangshu Das is absent. But he has authorized Shri H.R Choudhury, Advocate, to represent him in today's hearing.
2. The Public Authority is represented by Smti Champawati Patar, SPIO/Under Secretary, Assam Public Service Commission (APSC).
3. From perusal of records it is seen that the appellant Shri Amalangshu Das had submitted an RTI application before the SPIO, APSC, Guwahati on 04.9.2019, seeking 2 (two) informations -- (i) The selection criteria of the candidates in connection with the Advt., Nos. 13/2017 dated 22.11.2017 for the post of Lecturer in Social Science (PSTE), DIET, conducted by APSC, Completion of the viva-voce interview on 30.08.2019 and result declared on 30th August, 2019; and (ii) Marks obtained by the selected candidates in total academic qualification and in oral interview.
4. The SPIO of APSC, vide letter No 4PSC/RTI-01/64/2019-20 dated 17.09.2019, it provided the informations sought under point No. (i) and provided only the marks of the appellant in respect of point no (ii) and stated that marks obtained by the selected candidates in the said examination cannot be furnished as per provisions of Section 8(1)(d), 8(1)(e), 8(1)(j) of the RTI Act, 2005. Following this the appellant submitted an Appeal before the FAA of the APSC on 08.10.2019. The FAA of APSC held a hearing on the Appeal on 21.11.2019 and ordered that marks obtained by the other candidates cannot be provided under the relevant Section of the RTI Act as quoted by the SPIO in the reply dated 25.10.2019.
5. The affect of the provisions and schemes of the RTI Act, as mentioned by the Supreme Court of India (CBSE and Anr. Vs Aditya Bandopadhyay and Ors.,(09.08.2011) is to divide information into three categories. They are :
 - i. Information which promotes transparency and accountability in the working of every public authority, disclosure of which may also help in containing or discouraging corruption (enumerated in clauses (b) and (c) of Section 4(1) of RTI Act).
 - ii. Other information held by public authority (that is all information other than those falling under clauses (b) and (c) of Section 4(1) of RTI Act).
 - iii. Information which is not held by or under the control of any public authority and which cannot be accessed by a public authority under any law for the time being in force.

6. Shri H.R Choudhury who represented the appellant also presented a Gauhati High Court judgement No WP(C) No. 4162/2012, namely APSC vs Assam Information Commission and Others, in which the Hon'ble Gauhati High Court had directed that marks obtained by 20 (twenty) other candidates in that particular case as sought for in the original application requesting the information be provided to the Respondent No.3.
7. This Commission had also vide its order dated 25.06.2018, in case No. KP(M).199/2018 clearly directed that disclosure of marks by successful candidates in the competitive examinations conducted by the APSC does not appear to harm the personal interest or intrude into the privacy of such candidates. The Commission's above-mentioned order had also put on record that disclosure of the final marks secured by the selected candidates in the written or viva-voce test should not amount to breach of provisions of Section 8(1)(e) and Section 8(1)(j) of the RTI Act, 2005, and that for the sake of transparency, and in the larger public interest, such information should be disclosed. In that particular case the APSC was directed to furnish the marks secured by successful candidates as sought for by the petitioner, in the larger public interest.
8. In this connection, it will also be pertinent to quote an order of the Central Information Commission of 30.03.2018 (Pammi Lal vs Punjab National Bank), in which it had said that "providing information about the marks obtained by the selected candidates/cut-off marks for selection would not only enhance transparency of the recruitment process but would also increase credibility of the respondent organization".
9. Considering the above and particularly stating the fact that the RTI Act stands for promoting transparency and accountability in the working of every public authority disclosure of which may also help in containing or discouraging corruption as enumerated in the Act itself, the SPIO of APSC is hereby directed to provide the information sought for by the appellant Shri Amalangshu Das through point No. 2 of the RTI application dated 04.09.2019 and provide **only marks** obtained by the selected candidates in the particular examination and interview referred to in the application, The information shall be provided within 15 (fifteen) days from the receipt of this order and the Commission be intimated about it.
10. With the above order, the 2nd Appeal is hereby disposed of

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/CCR.20/2020

Dated: 18-02-2021

Copy to:

1. The SPIO, O/o the Assam Public Service Commission, Khanapara, Guwahati-22 for information and necessary action.
2. The First Appellate Authority/ O/o Assam Public Service Commission, Khanapara, Guwahati-22, for information.
3. The petitioner, Shri Amalangshu Das, S/o- Late Monoronjon Das, Vill- Seuti Part-1, P.O.- Bihara Bazar, P.S.- Katigorah, Dist- Cachar, Assam. PIN-788817, for information.
4. Computer section for uploading in the website
5. Office File
6. Order Book

Secretary & Registrar
Assam Information Commission