



Jammu and Kashmir State Information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/CO/SA/432/2017
Case No. SIC/ CO/SA/432/2017/961

Appellant : Sh. Sumeet Yousuf Baba.
Respondent : Public Information Officer (PIO) J&K PHQ.
Date of decision : 30-05-2017.
Decision : Appeal disposed of.

I. Brief facts of the case.

Briefly, the facts of this case are that the appellant submitted an RTI application dated 08-07-2016 to the Public Information Officer, (PIO) PHQ, J&K, Srinagar seeking the following information:

1. Copy of attendance sheet with Question booklet No./ Answer Book No.
2. Copy of Answer Book/Copy of Question Booklet Paper (the No. of which have been reflected in Attendance sheet).
3. The status of representation, which has been made by the candidate on 22-03-2016 addressed to Chairman Recruitment Board through DIG, Srinagar for rectification of my booklet No.

The PIO vide letter dated 20-09-2016 responded to his RTI application, thereby providing him the OMR sheet bearing Roll No. 2004596 and S. No. 504458.

Not satisfied, with the response of the PIO, the appellant preferred 1st appeal with First Appellate Authority (FAA), PHQ on 19-11-2016 against the order of the PIO. As the appellant did not receive the order of the FAA, he filed 2nd appeal with the State Information Commission (SIC), which was finally admitted in the Commission on 07-

02-2017. In his 2nd appeal the appellant requested the Commission to get him the information provided from the respondents.

As per the available records, FAA Sh. Sham Lal Sharma (IGP) has passed order vide No. RTI/FAA/IGP(CIV)102/2016/86-87 dated 22-02-2017 in which he has observed that 'from the OMR sheet, question booklet and answer booklet number can be looked/connected'. He further directed that information sought by the appellant may be provided to him without further delay. Regarding the representation of the appellant dated 22-03-2016 to Chairman Recruitment Board through DIG, CKR, Srinagar for rectification of booklet number, he advised the appellant to approach the concerned Appellate Authority for disposal of the issue.

In pursuance to the FAA's order, Sh. Kulbeer Singh, PIO, PHQ vide No. PHQ/RTI/306/2016/2931-32 dated 10-03-2017 responded to the first two parts of the said RTI application, the PIO reply is as under:

- I. The matter was again taken up with AIG (P) PHQ who has provided the copy of your attendance sheet showing your roll no. at Sl. No. 2, and you have not mentioned the question booklet No. in your attendance sheet. Due to which the question booklet could not be traced out.*
- II. OMR Sheet bearing Roll No. 2604596 which has already been provided to you is also enclosed, with regard to question booklet it is intimated that the same could not be traced out, as you have failed to mention the question booklet No. in your OMR sheet, which was must for evaluation of your answer sheet.*

II. Proceedings before the Commission.

The case was partially heard on 11-05-2017 and finally on 30-05-2017. The hearing on 30-05-2017 was attended by Sh. J.P Singh, IGP (P) PHQ, J&K, FAA, Sh. Kulbir Singh, PIO, PHQ J&K and Shri Sumeet Yousuf Baba appellant.

During the hearing, the respondents submitted that copy of the attendance sheet has also been furnished to the appellant in addition to the Answer/OMR Sheet. PIO submitted that because, the appellant had not written down/mentioned the question booklet number in his Answer/OMR Sheet which was mandatory requirement for evaluation of the answer sheet, as per the circular instructions due to which his question booklet could not be traced out.

Both the parties were heard at length on 30-05-2017. The appellant insisted on providing him the copy of the question booklet number whereas, the respondents held that the same cannot be given as they are in no position to locate it as the appellant/candidate had failed to write the question booklet number on his answer/OMR Sheet. As against this argument, the appellant stated that the FAA, of PHQ had clearly directed the PIO to locate the question booklet number by connecting the same with the answer booklet/OMR Sheet number, which they have not done so far. Keeping in view the diametrically opposite stands taken by the appellant and the respondents, the respondents were directed vide SIC Interim Order dated 30-05-2017 to re-examine whether the question booklet issued to the appellant can be located/identified. This was directed keeping in view the earlier order of the FAA and that a new IG(P), PHQ had been appointed to replace the former IG(P), PHQ and who was now the new FAA for the PHQ. The newly appointed IG(P)/FAA agreed to re-examine the RTI application vis-à-vis locating the question booklet number and providing a copy of the question booklet to the appellant.

A written reply from the IG(P)/FAA was received on 01-06-2017. The FAA has responded by saying that "the matter was thoroughly examined by undersigned the conclusion drawn thereof is that it is not possible to trace out the question booklet which was issued to the above named candidate during the written test conducted by the Police Recruitment Board, as he had not written Question booklet number on the

answer sheet which was mandatory. Without proper match of the series of the question booklet and answer sheet that evaluation of the answers could not be done as the whole process is computerized."

III. **Decision:**

The Commission after due consideration and after going through the reply of FAA, disposes of the 2nd appeal with the observation that the matter needs no further consideration.

-sd/-

(Khurshid A. Ganai) **IAS Retd.**,
Chief Information Commissioner,
J&K State Information Commission.
/imi/

Copy to the:

1. First Appellate Authority (FAA), PHQ, J&K Srinagar for information.
2. Public Information Officer (PIO), PHQ, J&K Srinagar for information.
3. Sh. Sameet Yousuf Baba, S/O Mohammad Yousuf baba, R/O Nadir Gund, Tehsil Tangmarg, District Baramulla-193402.

(Shiekh Fayaz Ahmad)
REGISTRAR,
J&K State Information Commission.