



Jammu and Kashmir State Information Commission
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/515 /2017
Decision No. SIC/CO/SA/515/2017/1021

Final order

Appellant: Shri Rajesh Sharma
Room No.202, Nehru Hall Boys Hostel,
University of Jammu.

Respondents: Secretary cum-First Appellate Authority
(FAA) , PIO, J&K SSB,Jammu

Date of Registration : 21-08-2017

Date of Decision : 12-12-2017

Brief Facts:

The appellant Shri Rajesh Sharma filed this 2nd appeal under Section 16(4) of the J&K RTI Act,2009 against the First Appellate Authority and PIO of J&K SSB. The appellant has filed this appeal on the ground that neither the PIO nor the FAA has provided to him the information sought vide his RTI application filed on 22.02.2017. The appellant has requested the State Information Commission to direct the respondents to provide him the information as sought by him through his RTI application dated 22.02.2017.

As per records of the 2nd appeal, the appellant vide his RTI application dated 22.02.2017 has sought point wise information (1) to (9) from the PIO , SSB related to copy of answer sheet, OMR Sheet, photo copy of checklist, photo copy of marks of interview, photo copy of qualifications of various candidates etc. The then PIO,SSB intimated the appellant vide communication No. SSB/Adm /RTI/161/2017/492 dated 10.03.2017 as under:

‘ the response of the department is the only individual merit is to be provided . You have not mentioned your roll no. in the RTI

application. Once you provide the Roll No. the same will be provided to you accordingly'

Aggrieved by the response of the PIO, the appellant filed 1st Appeal on 24.3.2017 before the FAA submitting therein that the PIO has provided him incomplete and irrelevant information. The FAA/Secretary, SSB asked the appellant to attend the hearing on 17.04.2017 at 10.00 AM in his office chamber at Jammu. The appellant alleged in the 2nd Appeal that he attended the office of the FAA but he (FAA) was not present there. The appellant filed 2nd appeal before the State Information Commission on 11.07.2017. After examining his 2nd appeal in the Commission, some deficiencies were found in the appeal and accordingly deficiency notice was issued to the appellant on 07.08.2017 and SIC finally admitted the appeal on 21.08.2017 after the appellant made up the deficiencies. The SIC served notice dated 05.10.2017 to FAA/ PIO, J&K SSB to file counter reply to the 2nd appeal within 07 days from the date of receipt of this notice.

Time period for disposal of this 2nd appeal was also extended by another 60 days w.e.f 21.10.2017 in terms of powers vested in the SIC under Section 16 (11) of the J&K RTI Act, 2009 to ensure continuation of hearings for final and judicious disposal of the appeal.

Proceedings before the Commission

This 2nd appeal came up for hearing on 20.10.2017 in response to the Commission's notice dated 12.10.2017. Shri Ab. Rehman, PIO SSB attended the hearing but the appellant did not attend. After hearing the PIO, SSB following interim directions were issued:

“ As the appellant is not present to confirm the receipt of the information as claimed by the PIO, SSB it is appropriate to give him another opportunity of being heard. As such the hearing in this 2nd Appeal is adjourned.”

Finally the appeal came up for hearing on 12.12.2017. Both parties i.e respondent as well as Appellant attended the hearing. The appellant stated that he has received the information as sought by him in his RTI application. The PIO, SSB stated the he has provided all the information to the appellant. The SIC invited the attention of PIO to the following judgments pertaining to examination and disclosure of information on OMR sheet and related information of the candidates.

1. Bihar PSC VS Syed Hussain Abbas Rizivi (2012)
2. UPSC VS Gourhari kamila (2013)

3. R.K.Jain VS Union of India (2013)
4. Kerala PSC VS SIC (2016)

Now that the PIO has provided the information and the appellant has also not demanded any additional information from the PIO, following directions are however hereby issued to the Public Authority- SSB.

Directions:

In terms of powers vested in the State Information Commission under Section 16 (9)(a) and with a view to seek conformity with the provisions of section 4 of the J&K RTI Act,2009, the Head of the Public Authority i.e, Chairman, J&K SSB is directed to take necessary measures/steps for suo -moto disclosure of general merit list, marks obtained by the applicants/candidates who appeared in the examination conducted by the SSB within a certain time frame after the results are announced and list of successful candidates issued. This direction is being issued with a view to reduce the large number of applications/RTIs which the unsuccessful candidates reportedly file with the SSB for obtaining information about the marks, rank in the general merit list etc. With this mechanism in place while the candidates/applicants would be greatly facilitated it will also lead to greater transparency and accountability which is the sine-qua-non for any examination body including the J&K SSB.

With these directions, this 2nd appeal filed before the State Information Commission is disposed of.

The copy of Order be provided to the parties free of cost.

Sd/-

(Khurshid A. Ganai) IAS *Retd*
Chief Information Commissioner

Copy to :

1. Secretary, Service Selection Board, J&K-Jammu /First Appellate Authority (FAA).
2. PIO, J&K, Service Selection Board, Jammu.
3. Pvt. Secretary to HCIC, J&K for information of the HCIC.
4. Shri Rajesh Sharma, Room No.202, Nehru Hall Boys Hostel, University of Jammu-180006
5. Office order file.

(Sheikh Fayaz Ahmed)
Registrar
J&K State Information Commission