



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/J/A/194/2017

Decision No. SIC/J/A/194/2017/204

Final Order:

Appellant : Sh. Omesh Sharma, S/o Jagdesh Chander Sharma,
R/o 177, Shastri Nagar, Jammu.

Respondent : FAA/PIO, University of Jammu.

Date of Registration : 22-12-2017.

Date of decision : **11-04-2018.**

Decision : Appeal disposed of.

Brief Facts:

The present appeal has arisen out of RTI application filed by Mr. Omesh Sharma on 17-07-2017 with Public Information Officer (PIO) University of Jammu seeking a copy of the Answer Key of the objective type questionnaire consisting of 90 questions of the examination taken by the University for the post of Assistant Registrar on 23-11-2002. Vide reply dated 14-08-2017 the PIO of the University of Jammu informed the applicant that since the said information pertains to the year 2002, the same was not available in the University. Aggrieved by the said communication the

applicant filed 1st appeal before First Appellate Authority (FAA)/Registrar, University of Jammu on 25-08-2017. The FAA disposed of the appeal observing thereunder that since the desired information was not available with the University as such the same cannot be provided to the applicant. The applicant challenged the order of the FAA by filing a 2nd appeal before the State Information Commission (SIC) on 22-12-2107.

Proceeding/Decision:

The appeal came up for hearing before the State Information Commission (SIC) on 08-02-2018. During the hearing the PIO submitted that the information sought for by the appellant pertains to the year 2002 and the same was not available with the University records. The PIO also submitted that as per the statutes of the University, the records of examinations and score awards are required to be destroyed after three years of date of examination. As such the University was not required to keep the records of 2002 available in the University after a lapse of 15 years period. However, the appellant submitted during the hearing that he had filed a writ petition with respect to the same selection process of 2002 which was disposed of by the Hon'ble High Court in the year 2016 in which Hon'ble High Court has observed that the records on the selection have been made available to court. The appellant further submitted that if the records have been submitted to the Hon'ble High Court in the said writ petition why cannot the University furnish the same to the appellant under RTI Act. The case was accordingly adjourned and the PIO was directed to produce copy of the statutes with respect to destruction of records pertaining to examination selection process conducted by the University and also try to get records which were made available to Hon'ble High Court so that same could be furnished to the appellant.

The appeal again came for hearing before the SIC on 15-03-2018. The PIO of University of Jammu furnished a copy of Answer Key as sought by the appellant and also OMR Sheet of the appellant pertaining to A series which was relevant to the concerned appellant. The counsel for the appellant submitted that he will consult the appellant and furnish the rejoinder by or before the next date of hearing. the appeal was accordingly adjourned.

The appeal yet again came up for hearing before the SIC on 11-04-2018. The counsel for the appellant submitted that the Answer Key pertains to only A series while the Answer key with respect to other series have not been furnished. The PIO submitted that the appellant was a candidate of series A during the said examination and only the Answer Key of series A can be provided to him under the RTI Act as the information with regard to rest of the series would amount to third party information. The SIC is in agreement with a stand taken by the PIO that the appellant can only claim Answer Key of his own series and his own OMR Sheet. The OMR Sheets of other candidates and the Answer Key of other series cannot be provided to the appellant as these documents are not relevant for the appellant. The SIC is therefore, satisfied that the information sought for by the appellant has been provided to him through his counsel during the hearing and not further remains to be adjudicated in the appeal by the SIC.

The appeal is accordingly disposed of.

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
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