



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیری اسٹیٹسٹو کشمیری جموں ا  
(Constituted under the Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937  
Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC.CO.SA.600-2018

Decision No.SIC.CO.SA.600-2018/1130

**Final Order**

(Second Appeal)

- Appellant** : Asaf Iqbal S/o Javaid Iqbal  
R/o Village Gohlad, Mendhar, Poonch
- Respondents** : First Appellate Authority (FAA) /Public  
Information Officer (PIO) O/O, PHQ, J&K,  
Srinagar.
- Date of registration** : 27-03-2018
- Date of decision** : 24-05-2018

**Brief Facts:**

Briefly the facts of this case are that the appellant filed RTI application dated 20-12-2017 with Police Headquarter (PHQ) J&K, Jammu seeking the following information:

1. Provide Answer Sheet of Roll No. 2602204 category of ALC.
2. Providing the Mark sheet of Roll No. 2602204 under the category of ALC.
3. Providing the Mark Sheet of application No. 1112609 under Roll No. 2605137 of Rezwan ahmad S/o Mohd Ishaq R/o Galhuta Teh. Mendhar P/o Harni and Mirzamohd Abid Farooq under Roll No. 2603429 S/o Farooq ahmed R/o Saloonian Teh. Mandi Distt. Ponch Pin 185102.

**His RTI application as per the records was transferred to AIG (P), PHQ, by Sh. Kulbir Singh AIG (CIV) PHQ / PIO for seeking former's assistance u/s 5(4) of the J&K RTI Act, 2009 vide communication dated 28-12-2017. Later Sh. Kulbir Singh AIG (CIV) PHQ/PIO provided the copy of OMR Sheet bearing Roll No 2602204 on 12-02-2018.**

**Aggrieved by the PIO's response, the appellant filed 1<sup>st</sup> Appeal with the First Appellate Authority, PHQ, J&K who issued a notice to the PIO and the appellant but never disposed of the 1<sup>st</sup> Appeal which constrained the appellant to file 2<sup>nd</sup> Appeal with the Commission received on 05-03-2018 and finally admitted on 27-03-2018 after completion of deficiencies. In the 2<sup>nd</sup> Appeal the appellant expressed doubts about the information provided to him by the PIO.**

### **Proceedings before the Commission:-**

**This 2<sup>nd</sup> Appeal came up for hearing before the Commission today on 24-05-2018. The hearing was attended by Sh. M. Suleman Choudhary AIG (CIV), the new PIO /Public Information Officer and Sh. Mohammad Rafi, Dealing Assistant RTI Section PHQ. The appellant was heard through voice call.**

**During the hearing, the appellant stated that the information provided to him by the PIO is incorrect as the copy of OMR Sheet provided to him by the respondents does not look to be the same one which was issued to him at the time of examination as the options under A, B, C, D do not have circles around them which were there in the original OMR Sheet. He further submitted he apprehends that he has been given less marks than what he should have actually scored. In response, the PIO submitted that the appellant has been provided correct information and that the OMR Sheet is that of the appellant.**

**Both parties were heard and record was also perused.**

### **Decision:-**

**At the outset the State information Commission takes serious exception to non-disposal of 1<sup>st</sup> Appeal by the FAA, PQH although he issued a notice to the PIO and the appellant on 05-02-2018. The head of the Public Authority i.e DGP, J&K shall take note of this and in terms of powers vested in the State Information Commission (SIC) under Section 16(9) (a) of the J&K RTI Act, 2009, the SIC directs the DGP/Public Authority to take serious notice of this and issue directions to all the PIOs and the FAAs in the Police Department to implement**

the provisions of the J&K RTI Act, 2009 in letter and spirit while dealing with the RTI application and 1<sup>st</sup> Appeal filed with them respectively under the Act.

From the submissions made by the appellant both through his 2<sup>nd</sup> Appeal and during today's hearing, it appears that he has doubts about the authenticity of the OMR Sheet as it does not contain circles around options A,B,C and D, one of which he has blackened as correct response. By this he means that while marked portion is visible on the sheet but the line circle around the options is not. Similarly, he also has expressed desire for revaluation of his actual / original OMR Sheet as his own estimate is that he has scored 67 points as against 61 shown to have been scored by him.

In the light of the doubts expressed by the appellant, the PIO is directed to reconsider the RTI application and provide a fresh reply to him to clarify the doubt about the line circle around the four options and also about marks scored by him. The PIO shall also allow him inspection of his original OMR Sheet to clear his doubts. As far as the OMR Sheets of other candidates is concerned, no public interest has been shown to be involved by the appellant necessitating the disclosure of this information which is also a third party information and hence not disclosable except under Section 11 if Public interest demands such disclosure. The Apex Court has held in number of cases that answer sheets of other candidates are not disclosable under RTI unless it is in the public interest to do so. In this case, the appellant has neither raised any issue of public interest nor proved existence of public interest in disclosing examination related information pertaining to candidates who took the examination along with the appellant.

With the above observations and directions, this 2<sup>nd</sup> Appeal is accordingly disposed of.

Copy of the order be provided free of cost to the parties.

Sd/-

**(Khurshid A. Ganai)**

Chief Information Commissioner

J&K State Information Commission

**Zahoor A. Bhat**

File No: SIC.CO.SA.600-2018\_\_\_\_\_

Dated: - -2018

Copy to:

01. Public Authority / DGP, PHQ, J&K, Srinagar for information and necessary action.
02. First Appellate Authority (FAA), O/O PHQ, J&K, Srinagar for information and necessary action.

03. Public Information Officer (PIO), O/O PHQ, J&K, Srinagar for information and necessary action.
04. Private Secretary to HCIC for information of the HCIC.
05. Appellant, Sh. Asaf Iqbal S/o Javaid Iqbal, R/O Gohlad, Mendhar, Poonch Pin 185111 for information.
06. Office File.

**(Sheikh Fayaz Ahamd)**  
Registrar  
J&K State Information Commission