

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/A/2015/000707**

**Dated 18.11.2016**

**Appellant** : Shri Jaya Veeramadhav S,  
2-23-40, Sector-6, M V P Colony,  
Visakhapatnam, Andhra Pradesh.

**Respondent** : Central Public Information Officer,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi-110 069.

**Date of Hearing** : 18.11.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 26.08.2015  
CPIO's reply : 24.09.2015  
First appeal filed on : 17.10.2015  
FAA's order : 30.10.2015  
Second appeal filed on : 25.11.2015

**ORDER**

1. Shri Jaya Veeramadhav S filed an application dated 26.08.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Union Public Service Commission (UPSC) seeking photo copies of his answer sheets for all the six subjects in respect of Indian Economic Service Examination (IESE) – 2015.

2. The appellant filed a second appeal dated 25.11.2015 before the Commission on the grounds that the CPIO has incorrectly denied information under Sections of 8(1)(d), 8(1)(g) and 7(9) of the RTI Act. The First Appellate Authority (FAA) had also mentioned that the matter is sub-judice with Hon'ble Supreme Court. However, the case of *UPSC v. T.R. Rajesh* cited by the FAA is different in respect of the facts of the present case.

**Hearing:**

3. Shri Pratap Kumar, representative of the appellant, Shri Jaya Veeramadhav S attended the hearing through video conferencing. The respondent Shri Tapan Kumar Das, Under Secretary, UPSC was present in person.

4. The appellant submitted that the First Appellate Authority (FAA) had vide order dated 30.10.2015 observed that the matter pertaining to providing of evaluated answer-sheets to the applicants, is sub-judice with Hon'ble Supreme Court and, therefore, the same cannot be provided till the outcome of the Court case. However, his case is fundamentally different from the case of *UPSC v T.R. Rajesh*. Hence, the information sought should be provided to him.

5. The respondent submitted that the FAA vide his order dated 30.10.2015 had also informed the appellant that the matter regarding disclosure of answer sheets to the applicants is sub-judice before the Hon'ble Supreme Court vide SLA(C) No.33761/2012 (CPIO, UPSC v/s T.R. Rajesh).

**Decision:**

6. The Commission observes that the matter relating to disclosure of evaluated answer sheets to the examinees is sub-judice before the Hon'ble Supreme Court in the matter of *UPSC v. T.R. Rajesh*, SLA(C) No. 33761/2012. In view of this, the Commission agrees with the respondent that it would be

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expedient to await the final decision of the Hon'ble Supreme Court in the matter. Further, it would be judicious to have the evaluated answer book of the candidate preserved till the disposal of the matter in the Hon'ble Supreme Court. The Commission, therefore, directs the CPIO to have the matter placed before the Competent Authority so that the evaluated answer sheets of the appellant are preserved till the matter is finally decided by the Hon'ble Supreme Court.

7. With the above observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**