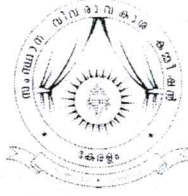


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STATE INFORMATION COMMISSION, KERALA

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AP. 521(7)/2014/SIC

(File No. 2658/SIC—G6/2014)

Present

Dr.K.L.Vivekanandan, State Information Commissioner

Sri.Mukesh Jain,
C/o Sub Regional Office,
1/12, Sahitya Kunj,
M.G.Road,Agra – 282 002(U.P.).

} Appellant

Vs

1. The State Public Information Officer,
Directorate of Higher Secondary Education,
Housing Board Buildings, Santhi Nagar,
Thiruvananthapuram -1.
2. The Appellate Authority & Director,
Directorate of Higher Secondary Education,
Housing Board Buildings, Santhi Nagar,
Thiruvananthapuram -1.

} Respondents

ORDER

Appeal Petitioner Sri.Mukesh Jain, in his second appeal dated 18.02.2014(which was received in the office of the Commission on the 22.02.2014), represented that he had given section 6(1) application before the Respondent on 18.09.2013. He further stated that the SPIO complied with the stipulation of Section 7(1) and sent him a parcel containing certain

copies of papers. However he stated that a large number of papers for different years were not found in this parcel and this was neither accompanied by a packing slip nor a list of papers in the parcel enabling him to check and verify. Hence he requested the Commission to direct the Respondents to provide the copies of the examination papers as stated in his application.

2. The above appeal was taken on file as AP.No.521(7)/14/SIC and the Commission conducted its hearing at its headquarters on 24.12.2018 in which the first Respondent was Present. The Appellant was absent.

3. In the application submitted before the first Respondent on 18.09.2013, the Appellant sought the copies of previous 10 years' papers of class X1 and X11 final and improvement examinations for 18 subjects.

Reply to the above application was furnished on 19.10.2013, in which it was stated that the office concerned does not follow the practice of keeping the question papers prior to the last three years and can provide him the question papers for the year 2011, 2012 and 2013. A thorough search was being made to get the maximum number of question papers so as to make them available to the Appellant. Hence necessary fees towards the same was to be calculated only after the search was over and a reply was to soon be given to the effect of intimating the amount of fees to be remitted towards the receipt of the copies of previous question papers. The Appellant filed his first appeal before the second Respondent on 19.10.2013 and the reply to the above was furnished on 11.11.2013.

4. In the report furnished by the second Respondent before the Commission on 31.03.2014, it was stated that the Appellant requested to provide him with copies of last 10 years question papers of class X1 and X11 final and improvement examinations for 18 subjects. Even though the office concerned does not follow the practice of keeping the question papers prior to last three years, a thorough search has been made so as to provide him the maximum number of question papers. It may be noted that the Appellant had requested for about 720 question papers. An interim reply

was given to the Appellant informing that the fee towards the same could be calculated only after the search was over, as per the office letter dated 19.10.2013. As per item No.3 in his complaint, the Appellant himself had admitted that he received the reply on 24.10.2013. Then the Appellant had filed his first appeal dated 19.10.2013, even before completing one month period of time after his initial application was received in the office. In continuation of the reply the Appellant was informed that he could get the question papers (from 2006 to 2013) that were available in the office on payment of fee of Rs.8746/- towards the expense for taking copies (Rs.7802/-) and for dispatching the material by speed post (Rs.944/-) and he was also informed of the mode of payment of fee as per the office letter dated 11.11.2013. In these circumstances, as per letter dated 30.11.2013, the Appellant filed another application alleging that the office had failed to reply within the time limits specified in the RTI Act with reference to Section 7 (6). In the reply to the above letter, the Appellant was provided with the copies of question papers that were available in the office for 18 subjects free of cost.

The Appellant had submitted an appeal petition on 02.01.2014 alleging that the packet he received did not contain papers of some subjects for certain years. He had further requested the Appellate Authority to instruct the SPIO to dispatch the missing papers at the earliest. Apart from the subjects he had mentioned in his initial application, he had also requested to provide him with the question papers of Mathematics (Commerce) and Computer Application (Humanities). In reply to this appeal petition it was ordered that the Appellant had already been provided with the question papers available in the office in consideration of his application dated 18.09.2013 as per proceedings dated 16.01.2014. Moreover it was informed that if the applicant needed any question papers that was not included among these 18 subjects he initially applied for a fresh application had to be submitted under the RTI Act through the proceedings of the Appellate Authority. He was provided with all the question papers available in the office for the 18 subjects he had sought

for. The application of the Appellant was confusing and needed clarification. Hence he was asked to specify his requirements, but the Appellant failed to respond.

5. On scrutinizing the appeal petition and connected documents, the Commission finds that the Respondents had furnished replies to the Appellant within the prescribed time limit and that the information furnished was based on the facts available with the Respondents. Hence the Commission concludes that no further action is warranted in this appeal and disposes of this appeal petition accordingly on the 05th day of March, 2020.

(Sd/-)

Dr.K.L.Vivekanandan
State Information Commissioner

Authenticated copy


Joint Secretary (Finance)
Ge/

