

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

No./NIC/Appeal-30/2009

Dated Kohima, the 19th August, 2009

Appellant : **Shri. Tovito Chophy**
C/o Hokashe
Gauhati High Court
Kohima Bench

Respondent : **Home Department**
Public authority : **Office of the Director General of Police,**
Nagaland, Kohima.

The Commission has received a complaint letter from **Shri. Tovito Chophy C/o Hokashe Gauhati High Court Kohima Bench** stating that the Public Information Officer (PIO) of the Police Department had not allowed him to inspect answer script of 26 selected candidates other than his and thereby miss interpreting the decision of the Commission issued on 15.7.2009. In the decision of the Commission pronounced on 15.7.2009, the Commission had directed the PIO, PHQ to allow applicant to inspect his re evaluated answer script and the concerned file containing documents relating to the post according to provisions of RTI Act, 2005 within 10 working days from the date pronouncement of the decision. The Commission **had not** directed for inspection of answer script of other candidates.

The Commission has examined the complaint letter properly. The Public examinations conducted by institutions established by the constitution like State Public Service Commission or by Departments of the Government for recruitment to post are guided by their rules and procedure and the final marks obtained by the candidates are recorded which finally becomes the basis for declaration of results. We have in earlier case also given decision that such final marks obtained and recorded should be disclosed under the RTI Act. But the disclosure of evaluated answer sheets which would result in rendering the system of examination unworkable in practice should not be disclosed under RTI. The Department of Police had already allowed the applicant to inspect his own answer sheet and therefore his re evaluated answer sheet was directed to be inspected by him. However, the evaluated answer sheets of others if disclosed will render the system of conducting such examination unworkable in practice.

We therefore decide that in such cases a citizen can not seek disclosure of evaluated answer sheet under RTI Act, 2005.

Copies be given to the parties.

Copy be given to :

1. The Home Commissioner, Nagaland, Kohima.
2. The Director General of Police Nagaland, Kohima.

Sd/-

P. Talitemjen Ao IAS (Rtd)
Chief Information Commissioner,
Nagaland

Sd/-

Rev.Dr. W. Pongsing Konyak
State Information Commissioner,
Nagaland

Sd/-

Dr. Kuhoi K Zhimomi
State Information Commissioner,
Nagaland.

Authenticated by me

Under Secretary
Nagaland Information Commission
Kohima