No. C. 55/2010-MSIC

**MIZORAM INFORMATION COMMISSION**
**KHATLA : AIZAWL**

Malsawmtluanga, ... Complainant
Luangmual, Aizawl, Mizoram

Vrs

SPIO, ... Respondent.
Mizoram Public Service Commission,
Mizoram, Aizawl.

**ORDER**
(31.8.2010)

A complaint was submitted by Malsawmtluanga, Luangmual Aizawl, Mizoram, against the SPIO of the Mizoram Public Service Commission, Aizawl, Mizoram,for not giving the information requested for under the RTI Act, 2005. A complaint case was registered under No. C. 55/2010-MSIC.

The short fact of the case is that the complainant requested the SPIO of the Mizoram Public Service Commission to give copies of answer sheets of 42 candidates who were called for interview and marks obtained by such candidates in the examination conducted for the posts of Assistant Engineer/Sub-Divisional Officer under Public Works Department during 4th & 5th March, 2010. However, as the required information was not given by the SPIO, the complainant approached the State Information Commission to get the required information.

The SPIO was noticed to appear before the Commission on 15.7.2010 with the required documents in original. However, as the SPIO was stated to be out of station on official work, a fresh date was fixed on 29.7.2010. The SPIO appeared on the appointed date and was heard. It transpired from the hearing that there were certain sensitive issues involved which needed discreet consideration with prudence. The SPIO was again directed to appear before the Commission on 30.8.2010. The SPIO appeared and was heard. In the course of hearing, the SPIO stressed the need to keep the confidentiality of examination-related matters and pointed out the undesirable precedent they had experienced in the past in giving information as in the instant case which led to disclosure of names of the examiners/question setters which were kept hitherto as most confidential.

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On examining the provisions of the RTI Act, 2005, the information applied for does not come under any of the exceptions contained under Section 8 or Section 24 of the Act. Therefore, it becomes mandatory for the SPIO to give the information applied for by the complainant-applicant. The Commission also noted that the required information was not given to the complainant-applicant within the specified time. The SPIO is, therefore, directed to give the required information, duly certified, to the complainant free of cost within 7 days from receipt of this order under intimation to the Commission. The Commission, however, noted with concern the bitter experience faced by the MPSC in the past as narrated by the SPIO above. In the circumstances, the SPIO is instructed to give the information without/deleting the names of the examiners/question setters, tabulators and all persons involved in the matter.

Ordered accordingly.

(K. TLANTHANGA)
Information Commissioner