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GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner
Complaint No. 05/SIC/2013

Ms. Sneha G. Volvoikar,
H. No. 275/1, Baman Bhat,
Merces ,
Tiswadi- Goa

..... **Complainant**

v/s

- 1.Registrar,
Goa University,
Bambolim - Goa.
- 2.The Principal,
Padre Conceicao College of
Engineering,
Agnel Ashram,
Agnel Ganv, Verna – Goa



..... **Respondents**

Relevant emerging dates:


Date of Hearing : 17-04-2017
Date of Decision : 17-04-2017

O R D E R

1. Brief facts of the case are that the Complainant Ms. Sneha G. Volvoikar, who was a student of Padre Conceicao College of Engineering (PCCE for short) had answered an examination on the Subject Data structure using C++ in the month of May and Nov 2011 and had vide an RTI application dated 14/03/2012 addressed to the Registrar Goa University sought copies of assessed answer paper of Data Structure using C++ (Semester IV,) answered in the year November, 2011.
2. It is seen that the PIO, Offg. Controller of Examinations vide letter No.GU/Exam-II/B.E./2012/51 dated 09/04/2012, informed the Complainant herein that no provision exists under the RTI Act, 2005 and to "instruct the said instructor to furnish me a copy of my (your) said assessed answer paper under Right to information Act.

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3. It was further informed in the same reply that request for photocopy of answer book as per Circular No.GU/EXAM/55/2011/338 dated 20/05/2011 (Copy enclosed) may be requested and that Appeal if any may be preferred to the Registrar, Goa University, who is the First Appellate Authority (FAA). A copy of the application form for applying to obtain photocopies of answer book along with Circular dated 20/05/2011 was enclosed along with the reply by the PIO.
4. The Complainant instead of filing a First Appeal with the FAA, instead addressed another RTI application dated 18/04/2012 with the Registrar, Goa University asking details of the same information and once again another PIO, Asstt. Registrar examination vide his reply No.Gu/Exam(Prof)/B.F./2012/205 dated 07/05/2012 informed that since the evaluation of answer books and declaration of result of semester I to IV is carried out by the College, the answer books of semester IV are not available with the University.
5. It is seen thereafter that the Complainant vide another letter dated 10/08/2012 addressed to the Principal, PCCE, Verna Goa applied once again for the same information as per her earlier two RTI applications and also requested to provide model answer sheet alongwith photocopy of her own answer sheet.
6. The Principal of PCCE vide letter dated 27/08/2012 informed the Complainant as follows : 'we have sent reply to your previous letter dated 19/06/2012 on 28/06/2012 and you have taken almost two months to respond to our letter. You are requested to pay an amount of Rs.250/- per answer book as per Goa University notification:No.GU/EXAM/55/2011/338 dated 20/05/2011 and further, as per this notification there is no provision for supplying model answer sheet to the candidates and you are requested to come to the College and collect the photocopies of the answer booklets'. There is also another letter from the Principal PCCE dated 28/06/2012 informing the Complainant to come to the College at the earliest and apply for the copy of the answer book.

7. Not being satisfied with the reply of the Principal PCCE. the Complainant has filed a direct Complaint with the Commission without exhausting the remedy of First APPEAL and has also joined the Registrar, Goa University as Respondent No 1, the said Complaint case came to be registered on 14/01/2013. The Complainant has prayed to direct the PIO, College Principal to provide the information.
8. Pursuant to the notices issued to the parties, during the hearing the Appellant Ms. Sneha G. Volvoikar is present in person. The Respondent No.2, Principal, Padre Conceicao College of Engineering is represented by Adv. N. Gaonkar holding for Girish Sardessai. The Respondent No 1 is absent.
9.  The Complainant submits that she is entitled to have the inspection as well as photocopies of the answer books pertaining to semester IV, Revised course (RC) examination in the subject data structure using C++ held in the month of May and Nov, 2011 which was conducted by the PCC college under RTI and also copy of model answer sheet for cross checking answers.
10. The Complainant reveals that she has completed the Bachelor of Engineering course but still wants the information more so as she was declared as having failed in the said subjects even after repeated attempts. The Complainant has relied on Supreme Court Judgment in Civil appeal no 6454 of 2011 CBSC and Anr V/s Aditya Bandopadhyay and Anr. & Calcutta High Court Judgment in M.A.T NO 275 of 2008, Univ of Calcutta & anr V/s Pritam Rooj.
11. Per contra the Advocate for the Respondent No. 2, PCC college submits that photocopies of her answer sheet can be provided and which was confirmed by the Principal as per two letters dated 28/06/2012 and 27/08/2012 and that it is the Complainant who has neglected to pay and collect the information.

12. The learned Advocate however objects to giving copies of model sheets as there is no such provision under the Goa University notification and submits that the Complainant however is free to carry out inspection of the same and also cross check the answers.
13. After hearing the submissions made by the respective parties and perusing the material on records the Commission finds that the only point which remains for consideration is whether the Complainant is entitled to have the photocopies of answer sheet of the examination pertaining to semester IV (RC) in the subject data structure using C++ held in the month of Nov. 2011 and conducted by the college namely the PCCE and copies of the model answer sheet under the RTI act 2005.
14. The Commission observes that although the Goa University has prescribe certain rules and procedure for obtaining photocopies of answer sheet as per Circular dated 20/05/2011 and 14/08/2014, the said photocopies of information documents can nevertheless also be provided under the RTI Act and there is no bar whatsoever.
15. It is a fact that the Principal, PCCE had sent two letters dated 28/06/2012 and 27/08/2012 agreeing to provide the answer booklets on payments of necessary fees and had informed the Complainant to collect the same and which the Complainant neglected, the Commission accordingly directs the Respondent No 2, to furnish photocopies of answer sheet of the examination pertaining to semester IV (RC) in the subject data structure using C++ held in the month of Nov. 2011 on payment of necessary amount of Rs.250 per answer book as per Goa University notification GU/EXAM/55/2011/338 dated 20/05/2011.
16. With respect to the issue of providing model answer sheet, although it is submitted that model answer sheet cannot be provided, the Commission finds that providing such information is not barred under the RTI act in view that the said examination was conducted by the PCCE itself and that the said exam is already over. The Commission therefore also directs to furnish photocopies of model answer sheet on payment for that particular examination for purpose of cross checking the answers by the Complainant.

- 17. The Complainant is directed to approach the office of Respondent No 2, Principal PCCE within 30 days of the date of receipt of this order i.e latest by 30th may 2017 if she so desires and collect the said photocopies of the said answer booklet and said model answer sheet for the examination pertaining to semester IV (RC) in the subject data structure using C++ held in the month of Nov. 2011 only after making the necessary payment as prescribed under the rules of Rs.250 per answer book as per Goa University notification GU/EXAM/55/2011/338 dated 20/05/2011.
- 18. In such an event the Principal PCCE will extend full cooperation in furnishing the said information only if the same still exists and is available in the records of the College. In case the old records are weeded out, then obviously the information cannot be furnished and which accordingly shall be communicated to the Complainant.
- 19. Before parting the commission places on record that the Complainant has filed multiple RTI applications seeking the same information and also approached the Commission directly with a Complaint without filing the First appeal and which renders the present Complaint case 'Not Maintainable' as per the ratio laid down by the Hon'ble Apex court in case of Chief Information Commissioner and another v/s State of Manipur and another (civil Appeal No. 10787-10788 of 2011). However as the complainant was a student has perhaps filed the Complaint case in good faith unaware of the above Judgment and which has led the commission to pass the appropriate order.

With these directions the Complaint case stands disposed.

All proceedings in Complaint case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.




Under Secretary
Goa State Information Commission
Panaji - Goa.

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(Juino De Souza)
State Information Commissioner