



**ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR, APIC.**

.....
BEFORE THE COURT OF SHRI GENOM TEKSENG, STATE INFORMATION
COMMISSIONER.

No.APIC-105/2021(COMPLAINT)

Dated, Itanagar the 25th June, 2021

Under Section 19(3) RTI Act, 2005

Appellant

Miss Sorang Yumi
Niti Vihar, Itanagar,
PO/PS-Itanagar, Arunachal
Pradesh.

Vs

Respondent

Director
Sport Authority Of Arunachal,
Chimpu, Itanagar, Arunachal
Pradesh.

ORDER

This complaint was filed under section 18 (1) of the RTI, Act, 2005 by Ms Sorang Yumi, Niti Vihar, Itanagar against Shri Gumnya Karbak, Director, Sport Authority of Arunachal, Chimpu Itanagar (AP). Brief fact of the case is that the complainant submitted a RTI application to the Director, Sports Authority of Arunachal on 08/03/ 2021 wherein she sought information relating to answer sheets, mark sheet, score sheet of written, physical/skill test conducted by the department and other various issues. But no response was received from the Director Sport Authority of Arunachal. Aggrieved by the decision of the Director, Sports Authority of Arunachal, Ms Sorang Yumi had approached this commission through this complaint.

The commission had admitted the complaint and issued notice to the parties. Ms Sorang Yumi and Shri Gumnya Karbak, Director, Sports Authority of Arunachal, were present.

During the first hearing on 18/06/2021 the complaint Ms Sorang Yumi informed that the Director, Sports Authority of Arunachal, had refused to furnish information sought by her without any valid reason and appealed to the commission for an appropriate direction. The Director Sports Authority of Arunachal, did not give any reason for denying the information to the complaint. The Director Sports Authority of Arunachal, had, however, agreed to furnish all the information. Accordingly, the

commission directed him to furnish the information before next date of hearing fixed on 25/06/2021.

Today is the second hearing. Again case was heard via-video conference. Both the parties are present. Ms Sorang Yumi has informed that all the information sought by her has not been furnished to her. She stated that she has only received the information sought under SL.No (a), (d) and (f) of her RTI application and part of information(copy of the mark sheet/ score sheet of written, physical/ skill test and copy of answer sheet of written exam) sought under SL.No. (b) and (c) of her application. She has also claimed that mark sheet/score sheet provided to her is not authentic ones as the said mark sheet/ score sheet does not have her signature. As, according to her , she put her signature on the original mark sheet/score sheet of physical/skill test.

The Director Sports Authority of Arunachal, has stated that the information sought under SL.No. (e) and (g) of application are not available in the Department as such cannot be provided to the complaint. Accordingly to him all cases of appointment to group A,B,C and D are decided in Annual Governing body meeting. The Director has further stated that information sought under SL.No. (b) and (c) of the application cannot be furnished without the consent of concerned candidates. He has again agreed to furnish copies of mark sheet/ score sheet of all the candidates. He also clarified that it is not mandatory for a candidates to sign on the mark sheet/score sheet obtained in physical test/skill test. However, he has agreed to check and confirm again whether mark sheet/score sheet of skill test are signed by the candidates and also availability of such mark sheet/score sheet in the office.

After hearing both the parties and perusing of record it is quite evident that the action of the Director, Sports Authority of Arunachal is not bonafide. It is pertinent to mention here that during first hearing, the Director, Sports Authority of Arunachal, without any hesitation had agreed to furnish all the information sought by the complainant. But today he has surprisingly submitted that the information which relates to RRS/ guidance are not available in the Department and that the information sought under SL. No.(b) and (c) of the application cannot be furnished without the consent of the concerned candidates. This time also he has agreed to furnish rest of the information which are available with the Department. If the Director, Sports Authority of Arunachal fails to comply with the direction of commission to furnish all the information which are available in his office, the commission may be constrained to take action against him under section 20 of the RTI Act,2005.

Commission also observes that the Director, Sports Authority of Arunachal cannot deny information to citizen which is permissible under the RTI Act. Evaluated answer sheets/marksheet of exam falls under the definition of "information" under the Act and it is not exempted under section 8 of the RTI Act. In furnishing copies of answer

sheet/marksheet etc of all the candidates there is no question of breach of confidentiality, secrecy, privacy or trust.

In view of the foregoing, it is directed that the Director, Sports Authority of Arunachal shall furnish-

- (a) copies of answer sheet of written exam of all the candidates and
- (b) signed copies of mark sheet/score sheets of all the candidates obtained in written, physical/skill test and Viva-voice.

before next date of hearing fixed on 02/07/2021.

The Director, Sports Authority of Arunachal shall again present in the next hearing. Copy of this order be furnished to all the parties.

Sd/-

(Genom Tekseng)

State Information Commissioner
Arunachal Pradesh Information Commission
Itanagar

Memo No.APIC-105/2021/ 466

Dated,Itanagar the ...29 June,2021

Copy to :

1. ~~Director~~ Director,Sport Authority Of Arunachal,Chimpu,Itanagar,Arunachal Pradesh.
2. Miss Sorang Yumi,Niti Vihar,Itanagar,PO/PS-Itanagar,Arunachal Pradesh.
3. Computer Programmer,APIC,Itanagar,To Upload In APIC Website.
4. Case file.

Registrar/Dy.Registrar

Arunachal Pradesh Information Commission

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar.