



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 696/2025.

(Summon to appear in person)

(Or.5 R.3 of CPC)

APPELLANTS

: Shri Biru Natung, Ziro Point Itanagar.

RESPONDENT

: The PIO, o/o the Arunachal Public Service Commission (APPSC), Itanagar.

ORDER/SUMMONS

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Biru Natung for non-furnishing of below mentioned information by the PIO, o/o the Arunachal Public Service Commission (APPSC), Itanagar as sought for by him under section 6(1) (Form-A) of RTI Act, 2005 vide his application dated 25.04.2025:

A. Particular of information: Recruitment test of Viva marks

B. Details of information required:

- DIET Lecturer Recruitment of Viva marks,
- Roll No. 100234,
- Pedagogy of Hindi,
- DIET Lecturer Viva marks of parameters/criteria.

Brief facts emerging from the appeal :

Records emerging from the appeal disclose that the Appellant, Shri Biru Natung had requested the PIO for the aforementioned information / documents but failed to obtain the same which prompted him to appeal before the, Arunachal Pradesh Public Service Commission (APPSC), Itanagar as the First Appellate Authority (FAA) under Section 19(1) of the RTI Act vide his appeal Memo dated 05.06.2025. But having failed to obtain any response from the PIO or the FAA the appellant filed his 2nd appeal before this Commission under Section 19(3) of the RTI Act vide Memo of appeal dt. 03.09.2025

Accordingly, this appeal is listed and heard today on 03.12.2025, wherein Ms. Taya Yullu, Under Secretary-cum-APIO, APPSC and the appellant, Shri Biru Natung are present in person.

Heard the parties.

The APIO submitted that the Viva-Voce marks of DIET recruitment test as requested by the appellant had been uploaded in the website of the Commission but replies/information to rest of the queries could not be furnished to the appellant as they are exempted under the RTI Act.

The APIO, however, did not specifically mention the provisions under which the rest of the information were withheld as being exempted except showing a copy of notification dt.15th October, 2025 issued by the Commission notifying certain information for non-disclosure under section 8(e) and 8(j) of the RTI Act, 2005. The notification, apparently, meant section-8(1)(e) and 8(1)(j) but wrongly mentioned as '8(e) and 8(j)'. The appellant, on the other hand, while acknowledging that he has seen his Viva-Voce marks in the website, but the result therein does not mention the parameters / criteria on the basis of which marks were awarded. As such, he has requested for the details regarding the parameters/criteria adopted and the marks carried and awarded to him thereunder by the Interview Board .

The limited question for consideration, therefore, is as to whether the marks awarded by the Interview Board members as per the parameter/criteria adopted could be disclosed or are exempted under section 8(1) of the RTI Act 2005.

In adverting to the question, this Commission deems it appropriate and relevant to refer to the Hon'ble Supreme Court rulling as contained in para 28 of its judgement dt.09.08.2011 in Civil Appeal No.6454 of 2011 (arising out of SLP (c) No.7526/2009) (Central Board of School Education & ors. Vs. Aditya Bandopadhyaya & ors. which is extracted hereunder:

" 28. When an examining body engages the services of an examiner to evaluate the answer-books, the examining body expects the examiner not to disclose the information regarding evaluation to anyone other than the examining body. Similarly the examiner also expects that his name and particulars would not be disclosed to the candidates whose answer-books are evaluated by him. In the event of such information being made known, a disgruntled examinee who is not satisfied with the evaluation of the answer books, may act to the prejudice of the examiner by attempting to endanger his physical safety. Further, any apprehension on the part of the examiner that there may be danger to his physical safety, if his identity becomes known to the examinees, may come in the way of effective discharge of his duties.

The above applies not only to the examiner, but also to the scrutiniser, co-ordinator, and head-examiner who deal with the answer book. The answer book usually contains not only the signature and code number of the examiner, but also the signatures and code number of the scrutinizer / coordinator/head examiner. The information as to the names or particulars of the examiners /co-ordinators / scrutinisers / head examiners are therefore exempted from disclosure under section 8(1) (g) of RTI Act. on the ground that if such information is disclosed it may endanger their physical safety. Therefore, if the examinees are to be given access to evaluated answer-books either by permitting inspection or by granting certified copies, such access will have to be given only to that part of the answer-book which does not contain any information or signature of the examiners/coordinators/scrutinisers / head examiners, exempted from disclosure under section 8(1)(g) of RTI Act. Those portions of the answer-books which contain information regarding the examiners /co-ordinators / scrutinisers /head examiners or which may disclose their identity with reference to signature or initials, shall have to be removed, covered, or otherwise severed from the non-exempted part of the answer-books, under section 10 of RTI Act."

The ratio of the above Apex Court judgement have consistently been followed by the Hon'ble Court in number of its later judgements, one of which is ***Bihar Public Service Commission Vs. Saiyed Hussain Abbas & Anr.*** in 2012.

This Commission, in the light of the principle of law settled by the Apex Court as above, holds that the marks scored by the appellant as per the parameter/criteria ***minus*** the names of the members of Interview Board can be furnished. And as such, the PIO is directed to furnish the same to the appellant, accordingly, within 1(one) month from the date of receipt of this order and report compliance thereof to this Commission on 23rd January, 2026. *It is, however, made clear that if the Commission/Interview Board did not follow any parameter/criteria of awarding the viva-voce marks, then the PIO shall declare so by way of an affidavit as mandated by law under section-18(3)(c) and rule-5(vi) of the A.P Information Commission (Appeal Procedure) Rules, 2005.*

Given under my hand and seal of this Commission on this 3rd December, 2025.

NOW THEREFORE, you are hereby summoned to appear in person or online in the Hon'ble Court of Shri Sangyal Tsering Bappu, **SIC on the 23rd January (Friday) at 2 pm** to answer the claims, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claims/defense.

Take notice that, in default of your appearance, on the day above- mentioned, the matter will be heard and determined in your absence.

To avail online hearing please at least notify or get in touch one day prior to the hearing, download "**WEBEX MEETING APP**" from Google Play store. For further technical assistance Shri Himanshu Verma, IT Consultant (Mobile no. 8319014957) maybe contacted.

Sd/-

(S. TSERING BAPPU)

State Information Commissioner,

APIC, Itanagar.

Memo No. APIC-696/2025/1758 Dated Itanagar, the 4th Dec., 2025

Copy to:

1. The First Appellate Authority (FAA), Arunachal Pradesh Public Service Commission (APPSC), Itanagar, the for information and ensuring compliance by the PIO.
2. The PIO, o/o the Arunachal Pradesh Public service Commission (APPSC), Itanagar for information and compliance.
3. Shri Biru Natung, Ziro Point Itanagar Contact No. 7638915402 for information.
4. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
5. Office Copy.
6. S/Copy.

Registrar/ Deputy Registrar

APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar