



2026:MNHC:172-DB

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M SUSHIL SHARMA

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REPORTABLE

Suppl.-1, Sl. Nos. 1-2, 3-4 & 5-6

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WA No. 19 of 2026

Ref:- WP(C) No. 474 of 2023

The Manipur Public Service Commission,
represented by the Secretary, North A.O.C., DM
Road, Imphal – 795001.

..... Appellant

-Versus-

1. The Manipur Information Commission,
represented by the Chief Information
Commissioner, Secretariat North Block, Ground
Floor behind western Block Imphal Manipur-
795001.
2. Kh. Robindro Singh, aged about 41 years, S/o Kh.
Ibomcha Singh, r/o Ward No. 5, near Public
School, Ningthoukhong, Manipur – 795001.

..... Respondents

With

MC(WA) No. 51 of 2026

Ref:- WA No. 19 of 2026

The Manipur Public Service Commission,
represented by the Secretary, North A.O.C., DM
Road, Imphal – 795001.

..... Applicant

-Versus-

1. The Manipur Information Commission,
represented by the Chief Information
Commissioner, Secretariat North Block, Ground
Floor behind western Block Imphal Manipur-
795001.

2. Kh. Robindro Singh, aged about 41 years, S/o Kh. Ibomcha Singh, r/o Ward No. 5, near Public School, Ningthoukhong, Manipur – 795001.

..... Respondents

With

WA No. 20 of 2026

Ref:- WP(C) No. 476 of 2023

The Manipur Public Service Commission, represented by the Secretary, North A.O.C., DM Road, Imphal – 795001.

..... Appellant

-Versus-

1. The Manipur Information Commission, represented by the Chief Information Commissioner, Secretariat North Block, Ground Floor behind western Block Imphal Manipur-795001.
2. Nawaj Sharif, aged about 30 years, S/o Md. Abdul Latif, R/o Lilong Haoreibi Lou Manga, P.O. & P.S. Lilong, Thoubal District, Manipur – 795130.

..... Respondents

With

MC(WA) No. 52 of 2026

Ref:- WA No. 20 of 2026

The Manipur Public Service Commission, represented by the Secretary, North A.O.C., DM Road, Imphal – 795001.

..... Applicant

-Versus-

1. The Manipur Information Commission, represented by the Chief Information Commissioner, Secretariat North Block, Ground

Floor behind western Block Imphal Manipur-795001.

2. Nawaj Sharif, aged about 30 years, S/o Md. Abdul Latif, R/o Lilong Haoreibi Lou Manga, P.O. & P.S. Lilong, Thoubal District, Manipur – 795130.

..... Respondents

With

WA No. 21 of 2026

Ref:- WP(C) No. 475 of 2023

The Manipur Public Service Commission, represented by the Secretary, North A.O.C., DM Road, Imphal – 795001.

..... Appellant

-Versus-

1. The Manipur Information Commission, represented by the Chief Information Commissioner, Secretariat North Block, Ground Floor behind western Block Imphal Manipur-795001.
2. Begun Khaleda Bogie, aged about 29 years, W/o Mohd. Ayub Khan, R/o Lilong Tamya Sumang, P.O. & P.S. Lilong, Thoubal District, Manipur – 795130.

..... Respondents

With

MC(WA) No. 53 of 2026

Ref:- WA No. 21 of 2026

The Manipur Public Service Commission, represented by the Secretary, North A.O.C., DM Road, Imphal – 795001.

..... Appellant

-Versus-

1. The Manipur Information Commission, represented by the Chief Information Commissioner, Secretariat North Block, Ground Floor behind western Block Imphal Manipur-795001.
2. Begun Khaleda Bogie, aged about 29 years, W/o Mohd. Ayub Khan, R/o Lilong Tamya Sumang, P.O. & P.S. Lilong, Thoubal District, Manipur – 795130.

..... Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For Appellants/Applicants	Mr. Rarry Mangsatabam, learned senior counsel instructed by Ms. Nikita Mangsatabam, learned counsel on record
Date of Judgment and Order	12.08.2026

JUDGMENT AND ORDER
(ORAL)

[M. Sundar, CJ]

[1] The following abbreviations/short forms are used in this order for the sake of brevity/convenience and clarity:

Sl. No.	Abbreviations/ Short Forms	Full Form/Expansion
1.	WA	Writ Appeal
2.	WAs	Writ Appeals
3.	MC	Miscellaneous Case
4.	MCs	Miscellaneous Cases
5.	MPSC	Manipur Public Service Commission
6.	RTI	Right to Information
7.	RTI Act	The Right to Information Act, 2005 (22 of 2005)
8.	SPIO	State Public Information Officer
9.	MIC	Manipur Information Commission
10.	said examination	Manipur Civil Services Combined Competitive (Main) Examination, 2016

11.	CPC	The Code of Civil Procedure, 1908 (5 of 1908)
12.	Impugned order	common order dated 21.07.2026 made by Hon'ble Single Bench in WP(C) Nos. 474, 475 and 476 of 2023
13.	Queriests	2 nd Respondents in captioned 3 WAs and 3 MCs
14.	R1	1 st respondent
15.	R2	2 nd respondent
16.	WP	Writ Petition
17.	said Rules	The Right to Information Rules, 2012

[2] Subject matter of captioned WAs is Manipur Civil Services Combined Competitive (Main) Examination, 2016 held by MPSC which is being referred to as 'said examination'.

[3] 3 (three) aspirants who sat for said examination (after clearing preliminary examinations) were unsuccessful and they made an application under RTI Act to SPIO of MPSC requesting for photo copies/certified copies of their answer sheets in all papers as well as the interview marks. This Court is informed that there were 8 (eight) papers in all *qua* said examination. This application was received by MPSC on 08.12.2022 and SPIO of MPSC responded vide a communication/order dated 23.12.2022 bearing reference No. 6/44/2022-MPSC(RTI) (original order) informing the querists about marks secured by them in interview but not acceding the request for copies of answer sheets by stating that MPSC has made a policy decision to not to furnish answer scripts mechanically for descriptive type papers under normal circumstances. This original order of SPIO was assailed by the 3 (three) queriests by way of appeals under Section 19(1) of the RTI Act and these appeals were negatived by the first appellate authority (to be noted, Secretary,

MPSC who is senior in rank *qua* SPIO is first appellate authority) in and vide an order dated 24.02.2023 bearing reference No. 6/44/2022-MPSC (RTI) *inter-alia* on the ground that MPSC does not provide answer scripts of descriptive type papers and this is not an extreme policy as contended by queriests. The queriests carried the matter to MIC by way of a further appeal under subsection (3) of Section 19 of RTI Act and the MIC in and by an order dated 28.04.2023 in Appeal Case Nos. 16, 19 and 22 of 2023, responding to the plea of the queriests in the appeal that they be permitted to peruse i.e., inspect their answer sheets, disposed of the appeals by directing MPSC to allow the 3 (three) queriests to inspect their answer sheets *qua* said examination within 4 (four) weeks from the date of the order. This order of MIC was assailed by MPSC by way of 3 (three) writ petitions viz., WP(C) Nos. 474, 475 and 476 of 2023, all 3 (three) writ petitions were taken up by a Hon'ble Single Bench, which after full contest, dismissed the writ petitions by a common order dated 21.07.2026 affirming the order of MIC and directing MPSC to comply with the orders of MIC within a period of 30 (thirty) days from the date of receipt of a copy of the order (to be noted, receipt of copy order of Hon'ble Single Bench which is being referred to as 'impugned order' in instant order) leaving the parties to bear their own costs.

[4] Assailing the impugned order, three intra-court appeals i.e., captioned 3 (three) WAs have been filed by MPSC along with MCs thereat.

[5] In the Admission Board today, Mr. Rarry Mangsatabam, learned senior advocate instructed by Ms. Nikita Mangsatabam, learned counsel on record for appellant/MC applicant (MPSC) in all three WAs/MCs is before this Court.

[6] Notwithstanding myriad grounds raised in memoranda of appeals in captioned WAs, learned senior counsel predicated his campaign against the impugned order on 3 (three) points and the 3 (three) points are as follows :

- (i) MIC, dealing with the second appeals has modified the order of the first appellate authority without a specific prayer in this regard and that too, without setting aside the order of the first appellate authority. According to learned senior counsel, this is impermissible as Section 19 and more particularly, subsection (3) of Section 19 of RTI Act is appellate jurisdiction which is in the nature of a second appeal;
- (ii) the queriests originally sought for photo copies/certified copies of answer papers and in the light of the language in which subsection (8) of Section 19 of RTI Act is couched, the power is *qua* furnishing what has been sought for 'in a particular form' but MIC has permitted perusal of answer papers while what was sought for by queriests is certified copies/photocopies of answer sheets;

(iii) the policy decision of MPSC that copies of answer scripts will not be given under normal circumstances is under challenge at the instance of 10 (ten) individuals vide WP(C) No. 312 of 2022, the same is pending before this Division Bench but the impugned order has sustained the order of MIC after noticing pendency of WP(C) No. 312 of 2022.

[7] This Court carefully considered the afore-referred 3 (three) points on which learned senior counsel predicated his campaign against the impugned order, in the light of case file, case laws pressed into service by learned senior counsel and detailed submissions of learned senior counsel.

This Court now proceeds to set out its discussion and dispositive reasoning on the three points and an adumbration of the same is as follows :

(i) as regards the first point, it turns on MIC being a second appellate authority. In this regard, Section 19 of RTI Act to the extent relevant is as follows :

‘19. Appeal.

- (1)
- (2)
- (3) *A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission:*

Provided that the Central Information Commission or the State

Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4)

(5) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.

(6)

(7)

(8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to,—

(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

(i) by providing access to information, if so requested, in a particular form;

(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;

(iii) by publishing certain information or categories of information;

(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

(v) by enhancing the provision of training on the right to information for its officials;

(vi) by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;

(b) require the public authority to compensate the complainant for any loss or other detriment suffered;

(c) impose any of the penalties provided under this Act;

(d) reject the application.

(9)

(10) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.'

- (ii) as regards second appeal point, from the statutory and legal architecture of RTI Act and more particularly Section 19 of RTI Act, it is clear as daylight that a second appeal under Section 19(3) of RTI Act is not akin to a second appeal under Section 100 of CPC. The reason is, a second appeal under Section 100 of CPC turns only on a '**substantial question of law**' and the first appellate court under Section 96 of CPC is the last court on facts. That is not the scenario here considering the architecture of RTI Act more particularly, the language in which Section 19 is couched. To be noted, Section 19 of RTI Act sets out the hierarchy, mechanism and methodology of drill at various tiers. In this regard, learned senior counsel pressed into service a judgment of Hon'ble Supreme Court in **Chief Information Commissioner and another Vs. State of Manipur & Another**

reported in **(2011) 15 SCC 1**. In this **CIC** case, on facts, the querists filed an application under Section 6 of RTI Act for obtaining information from State Information Officer relating to magisterial enquiries initiated by Government of Manipur from 1980 to 2006, as there was no response, the State Chief Information Commission was approached under Section 18 of RTI Act and the Commission directed the Information Officer to furnish the information sought for within 15 (fifteen) days and this was challenged by State by filing a writ petition in High Court of Gauhati, Imphal Bench. The writ petition was dismissed by a Single Bench and in the intra-court appeal a Division Bench held that the direction to furnish information is without jurisdiction and directed the Commission to dispose of the complaints in accordance with law. This order was challenged by Chief Information Commissioner and the matter thus travelled to Hon'ble Supreme Court. In this factual matrix, after examining Section 19 of RTI Act, Hon'ble Supreme Court held that an appeal is always a creature of statute and therefore, the right of appeal is a right of entering a superior

forum for invoking the same and interposition to correct errors of the lower forum. Hon'ble Supreme Court also held that this is a valuable right and such a right of appeal conferred by State must be exercised by a person who is aggrieved by reason of refusal to be furnished with the information. According to learned senior counsel, this **Chief Information Commissioner** case, *inter-alia*, adverts to subsection (8) of Section 19 of RTI Act and therefore, what can be considered by the superior forum is only information sought for 'in a particular form'. To put it differently, in the case at hand, the queriests have sought for photo copies/certified copies of answer scripts and therefore, MIC, exercising jurisdiction under Section 19(3) of RTI Act in a second appeal ought not to have directed perusal of answer scripts is his say. This Court carefully considered this submission. As already alluded to supra, an appeal under Section 19(3) of RTI Act though a second appeal is not akin to a second appeal under Section 100 of CPC. Therefore, an appeal under Section 19(3) does not turn only on substantial questions of law. To be noted, the

expression 'substantial question of law' has been elucidatively explained by Hon'ble Supreme Court in a long line of authorities starting from ***Sir Chunilal V. Mehta and Sons, Ltd. Vs. Century Spinning and Manufacturing Co. Ltd.*** reported in **1962 SCC OnLine SC 57** through ***Hero Vinoth (Minor) Vs. Seshammal*** reported in **(2006) 5 SCC 545** and subsequent judgments. Unlike Section 100 CPC, 19(3) of RTI Act does not restrict a second appeal to questions of law much less substantial questions of law. Therefore, **Chief Information Commissioner** case law pressed into service by learned senior counsel does not come to his aid as the said case law does not say that the powers under Section 19(3) of RTI Act are narrowed down in any manner. On the contrary, a careful and respectful perusal of the case law, more particularly paragraph 49 and 50 thereof make it clear that the powers of the appellate forum are plenary and the rights vested in a citizen in this regard are valuable rights. Paragraphs 49 and 50 of **Chief Information Commissioner** case law read as follows :

'49. There is another aspect also. The procedure under Section 19 is an appellate procedure. A right of appeal is always a creature of statute. A right of appeal is a right of entering a superior forum for invoking its aid and interposition to correct errors of the inferior forum. It is a very valuable right. Therefore, when the statute confers such a right of appeal that must be exercised by a person who is aggrieved by reason of refusal to be furnished with the information.

50. In that view of the matter this Court does not find any error in the impugned judgment of the Division Bench. In the penultimate paragraph the Division Bench has directed the Information Commissioner, Manipur to dispose of the complaints of the respondent 2 in accordance with law as expeditiously as possible.'

Therefore, by respectfully applying the very case law pressed into service by learned senior counsel, this Court has no hesitation in coming to the conclusion that there is no error either in the procedure resorted to by MIC in considering and disposing of three second appeals vide common order dated 28.04.2023 in Appeal Case Nos. 16, 19 and 22 of 2023 or in applying the substantive law. Another buttressing point in this regard is, subsection (10) of Section 19 makes it clear that a State Information Commission (MIC in this case) shall decide a second appeal in accordance with such procedure as may be prescribed. Procedure has been prescribed vide Rule 11 of said Rules [to be noted, said Rules is a piece of subordinate legislation made by Appropriate Government in exercise of Rule making powers vide Section 27 of RTI Act and Rule 11 is traceable to 27(2)(e)]. Rule 11 reads as follows :

'11. Procedure for deciding appeals.—The Commission, while deciding an appeal may.—

- (i) *receive oral or written evidence on oath or on affidavit from concerned or interested person;*
- (ii) *peruse or inspect documents, public records or copies thereof;*
- (iii) *inquire through authorised officer further details or facts;*
- (iv) *hear Central Public Information Officer, Central Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;*
- (v) *hear third party; and ,*
- (vi) *receive evidence on affidavits from Central Public Information Officer, Central Assistant Public Information Officer, First Appellate Authority and such other person against whom the appeal lies or the third party.'*

Rule 11 brings to light that MIC is not denuded of powers to modify an order under appeal and/or mould the relief. In instant case, MIC has modified the order of first appellate authority and moulded the relief. To further contend that order of first appellate authority has not been set aside is no argument as even on a demurer this Court finds this to be too hypertechnical a point and it does not cut ice with us.

- (iii) This takes this Court to second point urged by learned senior counsel. The second point is while queriests sought for photocopies/certified copies of answer sheets, MIC has permitted the queriests to peruse the answer sheets which according to learned senior counsel is impermissible. In this regard, learned senior counsel pressed into service and placed reliance on **Union Public Service**

Commission and others Vs. Angesh Kumar and others reported in **(2018) 4 SCC 530. Angesh** was rendered by Hon'ble Supreme Court on 20.02.2018. On facts, **Angesh** is a case where IAS aspirants who were unsuccessful in the preliminary examinations approached the Union Public Service Commission (UPSC) to disclose details of marks (raw and scaled) awarded to them in the Civil Services (Prelims) Examination. Further information in the form of cut-off marks for every subject, scaling methodology, model answers and complete result of all candidates were also sought. In this factual backdrop, in **Angesh**, Hon'ble Supreme Court held that furnishing raw marks will cause problems as pleaded by UPSC and that the same will not be in public interest. However, Hon'ble Supreme Court also made it clear that where a Court finds that public interest requires furnishing of information, the Court is certainly entitled to order so in a given fact situation. To be noted, in **Angesh**, Hon'ble Supreme Court held that direction to furnish the details sought for have been given without considering these parameters. Learned senior counsel draws our attention to paragraph 9 of **Angesh** and the same reads as follows :

'9. Weighing the need for transparency and accountability on the one hand and requirement of optimum use of fiscal resources and confidentiality of sensitive information on the other, we are of the view that information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically. Situation of exams of other academic bodies may stand on different footing. Furnishing raw marks will cause problems as pleaded by b the UPSC as quoted above which will not be in public interest. However, if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to so require in a given fact situation. If rules or practice so require, certainly such rule or practice can be enforced. In the present case, direction has been issued without considering these parameters.'

- (iv) Be that as it may, prior to **Angesh**, in 2011 **Aditya** was rendered by Hon'ble Supreme Court and **Aditya** is reported in **(2011) 8 SCC 497 {Central Board of Secondary Education and another Vs. Aditya Bandopadhyay and others}**. **Aditya** was rendered by Hon'ble Supreme Court on 09.08.2011. In **Aditya**, students who sat for Central Board of Secondary Education (CBSE) Examination sought inspection and re-evaluation of answer scripts. This was negated by CBSE by resorting to Section 8(1)(e) of RTI Act *inter-alia* by saying that CBSE has a fiduciary relationship with the examiners. In this context, Hon'ble Supreme Court sustained and affirmed an order of High Court directing examining bodies to permit examinees to have inspection of their answer books after making clarifications regarding the scope of RTI Act and the safeguards

and conditions subject to which information should be furnished. This is captured and elucidatively set out in paragraphs 65 and 66 of **Aditya** and the same reads as follows :

‘65. The power under section 19(8) of the Act however does not extend to requiring a public authority to take any steps which are not required or contemplated to secure compliance with the provisions of the Act or to issue directions beyond the provisions of the Act. The power under section 19(8) of the Act is intended to be used by the Commissions to ensure compliance with the Act, in particular ensure that every public authority maintains its records duly catalogued and indexed in the manner and in the form which facilitates the right to information and ensure that the records are computerized, as required under clause (a) of section 4(1) of the Act; and to ensure that the information enumerated in clauses (b) and (c) of sections 4(1) of the Act are published and disseminated, and are periodically updated as provided in sub-sections (3) and (4) of section 4 of the Act. If the “information” enumerated in clause (b) of section 4(1) of the Act are effectively disseminated (by publications in print and on websites and other effective means), apart from providing transparency and accountability, citizens will be able to access relevant information and avoid unnecessary applications for information under the Act.

66. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information,(that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.).’

(v) In **Aditya**, Hon'ble Supreme Court went into the issue with regard to revealing the identities of examiners. Post **Angesh, Mradul Mishra** was rendered by Hon'ble Supreme Court on 16.07.2018 and **Mradul Mishra** is reported in **2018 SCC OnLine SC 3993 (Mradul Mishra Vs. Chairman, U.P. Public Service Commission, Allahabad and another)**. In **Mradul Mishra**, facts to the extent as can be culled out from the order of Hon'ble Supreme Court is that the examinees wanted to see their answer sheets in an examination in which they participated and the examination was conducted by Uttar Pradesh State Public Service Commission. In **Mradul Mishra** rendered by Hon'ble Supreme Court on 16.07.2018, **Aditya** and **Angesh** were considered. After considering **Aditya** and **Angesh**, Hon'ble Supreme Court held that **Angesh** does not detract from the view already taken by Hon'ble Supreme Court in **Aditya**. In **Mradul Mishra**, Hon'ble Supreme Court also made it clear that permitting a candidate to inspect answer sheets does not involve any public interest and it does not affect efficient operation of the Government. It was also held that issues of confidentiality and disclosure of sensitive information that may arise have been taken

care of in **Aditya** where it has been held that identity of the examiners cannot be disclosed for reasons of confidentiality. Relevant paragraphs in **Mradul Mishra** are paragraphs 12, 13 and 16 and the same read as follows :

‘12. Learned counsel for the respondents has drawn our attention to a decision of this Court in Union Public Service Commission v. Angesh Kumar [Civil Appeal Nos. 6159-6162 of 2013] decided on 20th February, 2018.

13. We have considered the decision rendered in the aforementioned case, but find that it does not detract from the view already taken by this Court in Aditya Bandopadhyay (supra).

16. In our opinion, permitting a candidate to inspect the answer sheet does not involve any public interest nor does not affect the efficient operation of the Government. There are issues of confidentiality and disclosure of sensitive information that may arise, but those have already been taken care of in the case of Aditya Bandopadhyay where it has categorically been held that the identity of the examiner cannot be disclosed for reasons of confidentiality.’

(vi) To be noted, the afore-referred paragraphs are paragraphs as extracted and reproduced from the SCC OnLine report. It has become necessary to mention this as sometimes paragraph numbers vary depending on the journal and it sometimes varies as between regular and OnLine versions also. In this regard, learned senior counsel also pressed into service **Prashant Ramesh** rendered on 20.02.2013 and reported in **(2013) 12 SCC 489 {Prashant**

Ramesh Chakkarwar Vs. Union Public Service

Commission and others}. This case law, as reported in SCC is a record of proceedings and it is evident that on facts, **Prashant Ramesh** is one where pursuant to an advertisement issued by UPSC, application for recruitment for Indian Administrative Service and Allied Services were made and a candidate who cleared Preliminary Examinations held in 2007, 2008 and 2009 but did not succeed in the Main Examination (Written Test and Interview), filed an application and questioned the method of moderation adopted by the Commission. In this context, in **Prashant Ramesh**, it was held that the mere fact that some of the candidates like the petitioners thereat who cleared the preliminary examinations could not cross the hurdle of main examination cannot lead to an inference that the method of moderation adopted by UPSC is faulty. To be noted, the prayer in **Prasant Ramesh** has been extracted and set out by Hon'ble Supreme Court in paragraph No. 5 and we respectfully refer to paragraph No. 5 of **Prasant Ramesh** and the same reads as follows:

'5. In response to the advertisements issued by the Union Public Service Commission (for short "the Commission"), petitioner, Dr Prashant Ramesh Chakkarwar submitted applications for

recruitment to Indian Administrative Services and other Allied Services. He cleared the preliminary examinations held in 2007, 2008 and 2009 but did not succeed in the main examinations (written test and interview). After seeking some information by invoking the provisions of the Right to Information Act, 2005, the petitioner filed an application under Section 19 of the Act and questioned the method of moderation adopted by the Commission and prayed as under:

- “(i) Direct the respondent to produce all the records relating to the case including attendance sheets/Pro forma F containing details of supplements taken, the answer books of the applicants in all the subjects and verify the irregularities committed by the respondent in the evaluation of the answer books;
- (ii) Direct the respondent to produce attendance sheets/Pro forma F containing details of supplements used) of all applicants to verify the number of extra sheets used by them and verify the irregularities committed by the respondent;
- (iii) Direct the respondent to produce raw and moderated marks of applicants and all other candidates in the Civil Services (Main) Examination, 2008 to verify justness of the moderation system;
- (iv) To strike down the system of moderation/scaling applied by UPSC after asking UPSC to explain the system;
- (v) Direct the respondent to bring uniformity in the system of awarding marks in personality test by reducing excessive subjectivity;
- (vi) Permit the applicants to carry out the inspection of the answer books in the Court;
- (vii) Direct the respondent to re-examine and re-evaluate the answer books of the applicants where the irregularities are found to be existing in the evaluation process of the Civil Services (Main) Examination, 2008; and
- (viii) Direct the respondent to declare the applicants pass in the Civil Services (Main) Examination, 2008 if after revaluation and proper valuation they get more marks than the mark achieved by the last candidate in the result who was called for interview and consider them for appointment.’

Hon'ble Single Bench, in the impugned order has referred to **Angesh** and **Mradul Mishra** and held that the latter will apply. Relevant portion is contained in paragraph 17 of impugned order and the same reads as follows :

*'[17] The decision of the Hon'ble Supreme Court in the case of **Mradul Mishra** (supra) will be applicable in the present case. After considering the catena of cases including **Angesh Kumar** and **Aditya Bandopadhyay**, Hon'ble Supreme Court held that allowing the candidate to inspect their evaluated answer script will be in the interest of transparency and will not violate any public interest.'*

(vii) One other aspect of the matter is, learned senior counsel submitted that a review was filed in **Angesh Kumar** and review was disposed of by Hon'ble Supreme Court on 06.09.2018. Learned senior counsel further submitted that disposal of the review petition in **Angesh Kumar** on 06.09.2018 is post **Mradul Mishra** (to be noted, **Mradul Mishra** was rendered on 16.07.2018) and therefore, **Angesh Kumar** would prevail. We respectfully and carefully perused the order of Hon'ble Supreme Court dated 06.09.2018 as placed before this Court and scanned reproduction of the same reads as follows:

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Angesh Kumar vs Union Public Service Commission on 6 September, 2018

Angesh Kumar vs Union Public Service Commission on 6 September, 2018

Bench: Uday Umesh Lalit, Ashok Bhushan

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION
REVIEW PETITION (CIVIL) NOS. _____ OF 2018
(@ Review Petition (Civil) D.No.24763/2018)
IN
CIVIL APPEAL NOS. 6159-6162 OF 2013

ANGESH KUMAR & ORS.

PETIT

VERSUS

UNION PUBLIC SERVICE COMMISSION & ANR.

RESPO

ORDER

There is a delay of 107 days in filing these review petitions and though the explanation given in the application for condonation is far from being satisfactory, we condone the delay.

The issue involved in the appeals was whether raw marks secured by the candidate in the Civil Services Examination must be furnished by Union Public Service Commission (UPSC) in response to a request under Right to Information Act. After considering the entirety of the matter, this Court observed in paragraph 10 as under:

"Weighing the need for transparency and accountability on the one hand and requirement of optimum use of fiscal resources and confidentiality of sensitive information on the other, we are of the view that information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically." With this view, the orders passed by the High Court were set aside and the original writ petitions were dismissed.

We have gone through the contents of the review petitions and do not find any error apparent on the face of the record to justify our interference in review jurisdiction.

These review petitions, therefore, stand dismissed.

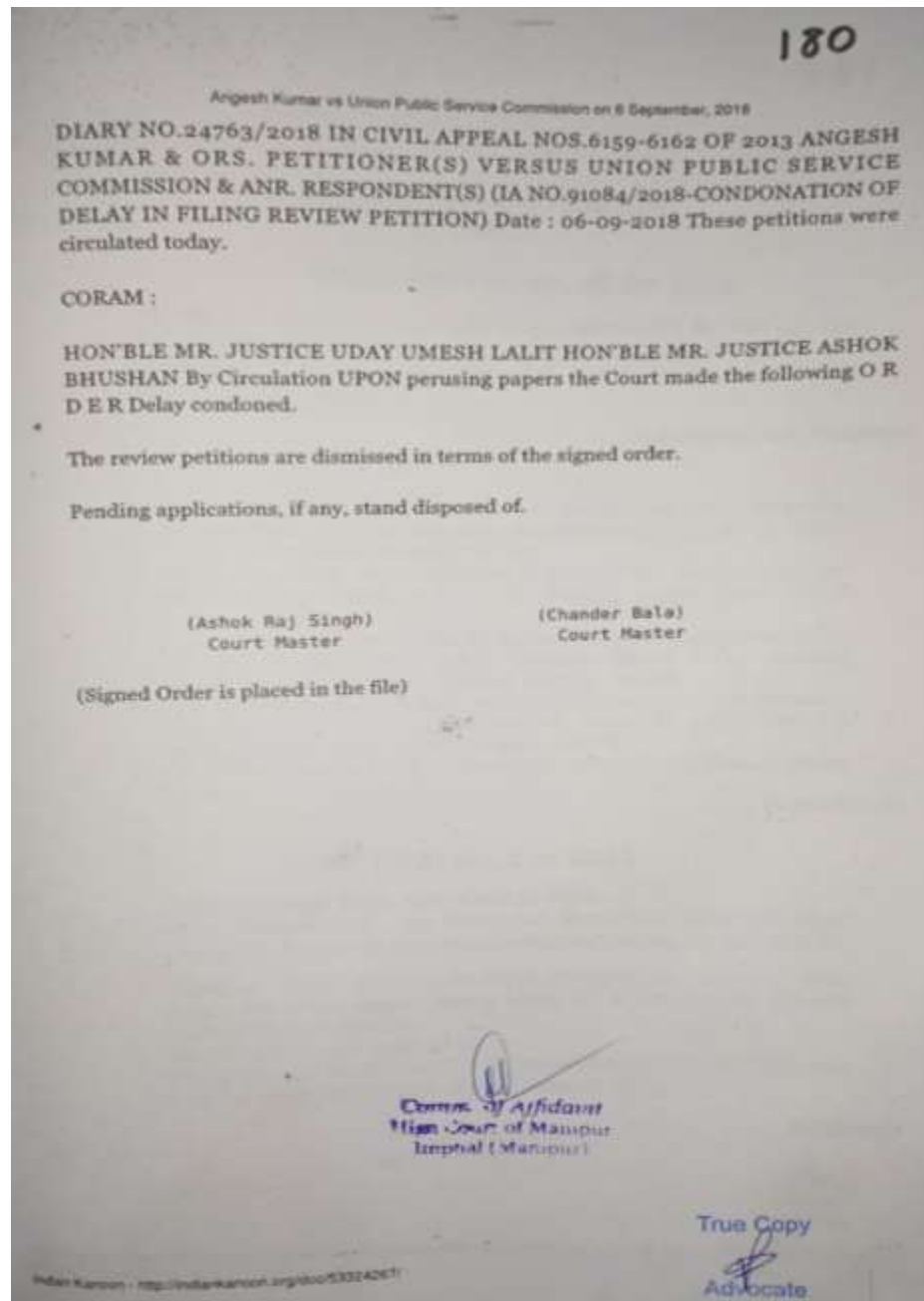
____ J. [UDAY UMESH LALIT] _____ J. [ASHOK BHUSHAN]
NEW DELHI SEPTEMBER 6, 2018 ITEM NO.1002 SECTION XIV SUPREME C
OURT OF INDIA RECORD OF PROCEEDINGS REVIEW PETITION (CIVIL)

Indian Kanoon - <http://indiankanoon.org/doc/5332406/>

Comm. of Affidavit
High Court of Manipur
Imphal (Manipur)

True Copy

Advocate



(viii) It is clear that the review petition has been dismissed and in the review order **Mradul Mishra** has not been adverted to. Paragraph No. 9 of **Angesh Kumar** has been set out and reiterated in the review and we have respectfully extracted and set out paragraph No. 9 of **Angesh Kumar** elsewhere supra in instant order. A careful perusal of

the line of authorities adverted to thus far brings to light that in **Mradul Mishra** both **Angesh Kumar** and **Aditya Bandopadhyay** have been considered and Hon'ble Supreme Court has come to the conclusion that **Angesh Kumar** does not detract from **Aditya Bandopadhyay** and the safety valve put in place in **Aditya Bandopadhyay** as regards non-disclosure of the identity of the examiners is good enough. Therefore, the dismissal of the review petition in **Angesh Kumar** without adverting to **Mradul Mishra**, makes it clear that **Mradul Mishra** continues to hold the field. To put it differently, **Mradul Mishra** which reiterates **Aditya Bandopadhyay** and holds that **Angesh Kumar** does not detract from **Aditya Bandopadhyay**, binds us as dismissal of the review in **Angesh Kumar** post **Mradul Mishra** but without referring to **Mradul Mishra** does not alter the position if well settled principle *qua* law of precedents is respectfully applied. We deem it appropriate to write that it is also a matter of judicial discipline that principles of law of precedents is respectfully applied. Another buttressing point in this regard is, a careful examination of the language in which Section 19(8)(a)(i) is couched makes it clear that MIC has

ample and adequate powers to provide access to information, 'if requested' and the expression 'in a particular form' qualifies the form in which access to information is to be provided. Therefore, this court is unable to find any infirmity in MIC providing access to information by permitting perusal of answer papers and Hon'ble Single Bench sustaining the same vide impugned order. In this regard, it is to be noticed that definition of 'right to information' vide Section 2(j) of RTI Act makes it clear that it includes right to inspect documents, records and Section 2(f) of RTI Act to the extent relevant reads as follows :

'2. Definitions.—In this Act, unless the context otherwise requires,—

- (a)*
- (b)*
- (c)*
- (d)*
- (e)*
- (f)*
- (g)*
- (h)*
- (i)*
- (j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—*
 - (i) inspection of work, documents, records;*
 - (ii)*
 - (iii)*
 - (iv) '*

In this regard, for completion of facts, it is necessary to capture another facet of argument made by learned senior counsel. Learned senior counsel submitted that **Aditya Bandopadhyay** is a case pertaining to students taking school

examinations namely, CBSE whereas **Prashant Ramesh, Angesh Kumar** and **Mradul Mishra** are cases pertaining to recruitment conducted by Public Service Commission.

(ix) This Court is of the considered view that in **Mradul Mishra, Angesh Kumar** and **Aditya Bandopadhyay** are ratios on same subject directly on the point and as Hon'ble Supreme Court in **Mradul Mishra** has applied **Aditya** and **Angesh** without construing the same to be distinguishable on facts as a matter of judicial discipline, we cannot countenance the argument that **Aditya** is factually distinguishable by making a distinction between student examinees and job aspirants. This puts an end to the second point urged.

(x) This takes this Court to the third point urged by learned senior counsel. The third point turns on policy decision of MPSC and the same being under challenge in this Court vide W.P.(C) No. 302 of 2002. Hon'ble Single Judge in the impugned order has noticed the obtaining position that policy decisions of MPSC is under challenge and writ petition is pending before Division Bench in this Court. The policy decisions of MPSC have been placed before this Court. The policy decisions are vide decisions taken by MPSC in full commission meetings held on 28.10.2022 and

04.05.2022. In 28.10.2022 full commission meeting it was Agenda No. 4 and in 04.05.2022 full commission meeting it was Agenda No. 2 and decisions as placed before this Court are as follows:

'DECISION OF THE FULL COMMISSION MEETING HELD ON 04.05.2022

Agenda No. 2: Providing certified copy of evaluated answer scripts to RTI applicant in connection with Limited Qualifying Speed Test Examination for Stenographer Grade – I, 2021.

Decision: The Commission decided to uphold the existing decision of the Full Commission dated 28/10/2020. The decision of the Full Commission dated 28/10/2020 is reiterated below:

“Commission minutely discussed the matter and considered the issues in providing evaluated answer books to the candidates. In the case of Civil Appeal No.(s) 6159-6162 of 2013, Union Public Service Commission, etc. -vs Angesh Kumar & Ors with C.A. No. 5924/2013, the Hon'ble Supreme Court had referred to the problems enumerated in showing evaluated answer sheets to candidates, in the Counter affidavit as recorded in Prashant Ramesh Chakkarwar vs. UPSC – “Final awards subsume earlier stages of evaluation. Disclosing answer books would reveal intermediate states too, including the so-called ‘raw marks’ which would have negative implications for the integrity of the examination system”. The Hon'ble Supreme Court was of the view that information sought with regard to marks in Civil Services Examination cannot be directed to be furnished mechanically.

As the problem enumerated by UPSC in providing evaluated answer books to candidates is also similar for MPSC. Commission has decided not to furnish evaluated answer books for descriptive type papers to candidates under normal circumstances.”

Further, the appellant has already been provided with an opportunity to inspect his answer booklet.

*Sd/-
Secretary/MPSC'*

'DECISION OF THE FC MEETING HELD ON 28.10.2020

Agenda No. 4: *Applications received for furnishing evaluation answer books to the candidates.*

Decision: *Commission minutely discussed the matter and considered the issues in providing evaluated answer books to the candidates. In the case of Civil Appeal No. (s) 6159-6162 of 2013, Union Public Service Commission etc. vs Angesh Kumar & Ors with C.A. No. 5924/2013, the Hon'ble Supreme Court had referred to the problems enumerated in showing evaluated answer sheets to candidates, in the counter affidavit as recorded in Prashant Ramesh Chakkarwar v. UPSC1 – "Final awards subsume earlier stages of evaluation. Disclosing answer books would reveal intermediate stages too, including the so-called 'raw marks' which would have negative implications for the integrity of the examination system". The Hon'ble Supreme Court was of the view that information sought with regard to marks in Civil Services Examination cannot be directed to be furnished mechanically.*

As the problems enumerated by UPSC in providing evaluated answer books to candidate is also similar for MPSC, Commission has decided not to furnish evaluated answer books for descriptive type papers to candidates under normal circumstances.

*Sd/-
Secretary'*

- (xi) A careful perusal of the resolutions of MPSC make it clear that the resolutions are to the effect that **'providing evaluated answer books'** in descriptive type papers to candidates is something which cannot be furnished **'under normal circumstances'**. Hon'ble Single Bench in the impugned order has made it clear that the policy decision of the MPSC is only with regard to 'not providing copies of evaluated answer sheets' and it does not deal with 'perusal of answer sheets'. We

find no reason to disagree with the considered view taken by Hon'ble Single Bench in the impugned order.

[8] Before concluding, this Court deems it appropriate, for the purpose of completion of facts and for the purpose of capturing comprehensively what unfurled in the Admission Board that learned senior counsel adverting to the impugned order of Hon'ble Single Bench, submitted that the learned Single Bench has noticed that the policy decision of MPSC is under challenge but has proceeded to return a verdict that directions of MIC to permit perusal of answer scripts should be complied. In the light of the clear distinction drawn by Hon'ble Single Bench, between 'furnishing copies' and 'permitting perusal' we find this argument pales into insignificance To put it differently, it does not cut ice with this Court. However, we make it clear that when the WP assailing the policy decision is heard out, instant order will neither impede nor impel the legal drill before Division Bench.

[9] As a last part of his effort, learned senior counsel requested for enlargement of 30 days time frame fixed by Hon'ble Single Judge for complying with the order of MIC (which has been affirmed and a direction has been given to MPSC to comply). A careful perusal of the impugned order brings to light that Hon'ble Single Bench has made it clear that the order of MIC being order 28.04.2020 in appeal case Nos. 16, 19 and 22 of 2023 should be complied within 30 days from the date of receipt of the impugned order of Hon'ble Single

Bench. Learned senior counsel very fairly submits that this 30 days time frame has not yet elapsed and it is running. Therefore, we find no reason to enlarge the time frame provided by Hon'ble Single Judge and therefore, this last part of the effort of learned senior counsel for the protagonist of intra-court appeal also does not find favour with us.

[10] Ergo, the sequitur is, captioned 3 WAs fail, i.e., fail to pass muster in the Admission Board and the same are dismissed. Consequently, captioned MCs thereat also perish with the WAs and captioned 3 MCs are also dismissed. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Sushil/Bipin

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