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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3070/2013 & CM No.5810/2013

UNION PUBLIC SERVICE COMMISSION Petitioner

Through: Mr.Naresh Kaushik, Advocate

versus

POTLURI SRIKANTH KUMAR Respondent

Through: Mr.Gaichangpou Gangmei, Advocate

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.09.2017**

1. The petitioner has filed the present petition impugning an order dated September 05, 2012, passed by the Central Information Commissioner (hereafter as 'CIC') whereby the petitioner was directed to provide (i) qualifying marks for the compulsory Indian language paper and English paper and (ii) photocopy of the respondent's answer sheets in respect of the compulsory papers (Hindi and English) as a part of the Civil Services Main Examination, 2010.

2. In so far as the issue regarding providing the qualifying marks for compulsory Indian language paper and English paper is concerned, the said information is not exempt from disclosure under Section 8(1)(d) of the Right to Information Act, 2005 (hereafter as 'the Act') and this issue is squarely covered by the decision of this Court in **UPSC v Manoj Kumar Singh : W.P.(C) No.880/2014 decided on August 14, 2014**. Thus, no interference with the impugned order would be warranted on that count. Mr Kaushik,

learned counsel for the petitioner further stated that the said information has already been provided to the respondent.

3. In so far as the question whether evaluated answer sheets for the papers taken by the respondent could be provided is concerned, the said question is pending consideration before the Supreme Court in ***SLP (C) NO.33761/2012*** which was preferred by the petitioner against the order dated August 03, 2012, passed by the Kerala High Court in ***W.P.(C) NO.37734/2010*** whereby the petitioner was directed to supply a copy of the answer sheets to the candidate. This court is informed that the Supreme Court has reserved orders in that matter.

4. Mr Kaushik states that subject to the outcome of the proceedings before the Supreme Court, if the petitioner fails to prevail in the said proceedings, the petitioner would provide the answer sheets to the respondent as sought by him.

5. In view of the above, no further orders are required to be passed in this petition except to direct the petitioner to preserve the relevant answer sheets, if available as of today, awaiting the decision of the Supreme Court. The petitioner shall ensure that the same are provided to the respondent in the event the decision of the Kerala High Court in ***W.P.(C) No.37734/2010*** is upheld by the Supreme Court.

6. The petition is disposed of with the above directions.

VIBHU BAKHRU, J.

SEPTEMBER 07, 2017

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