

\$~7

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

+ **W.P.(C) 8184/2014 & CM 19032/2014**

UNION PUBLIC SERVICE COMMISSION Petitioner

Through Mr Naresh Kaushik, Mr Omung Gupta,
Mr Shaili Pande, Advocates.
versus

VARUN B.R. Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **25.07.2017**

1. The present petition was moved on 25.11.2014 and notice was directed to be issued by an order dated 11.12.2014. It is seen that despite efforts to serve the respondent, the service on respondent is still incomplete.
2. The petitioner has filed the present petition, *inter alia*, impugning the order dated 16.05.2014 passed by the Central Information Commission (CIC) whereby the petitioner was *inter alia* directed to provide photocopies of the answer sheets as sought by the respondent in his RTI application filed on 16.05.2013.
3. The respondent had appeared in the Civil Services 2012 Mains Examination (roll No. 002328) and had sought photocopies of answer books of the papers that he had appeared in.
4. Mr Kaushik, learned counsel appearing for the petitioner submits that

the question whether copies of the answer sheets are required to be supplied to candidates under the Right to information Act, 2005 is pending before the Hon'ble Supreme Court in SLP (C) 33761/2012 which was preferred by the petitioner against an order dated 03.08.2012 passed by the Kerala High Court in W.P. (C) 37734/2010. And, the Supreme Court by an order dated 23.11.2012 has stayed the operation of the order passed by the Kerala High Court.

5. Similar petitions have been disposed of by this Court by directing the petitioner to provide all other information except the answer sheets and with a further undertaking that the same would also be provided to the information seeker immediately if the petitioner does not prevail in the aforementioned SLP.

6. In the present circumstances, this Court is of the view that the present petition also ought to be disposed of with the aforesaid directions.

7. The petitioner has not been able to serve the respondent and this Court is informed that the respondent has also not approached the petitioner to follow up on the impugned order passed by the CIC in his favour.

8. In the circumstances, the present petition is disposed of with a direction that in the event the petitioner does not prevail in the SLP as referred to above, the petitioner would immediately, on the respondent approaching the petitioner, furnish the photocopies of the answer sheets as available with the petitioner. In the meanwhile, the petitioner shall take steps to ensure that the answer sheets are not destroyed at least for a period of two years from today. In the event, the respondent does not approach the

petitioner within the next two years, the petitioner would have no further obligation to provide photocopies of the answer sheets as directed by the CIC.

9. The petition is disposed of.

VIBHU BAKHRU, J

JULY 25, 2017

rw