

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (C) No.1082 of 2012

Saurabh Tyagi S/o-Shri Munish Kumar Tyagi, Aged about 28 years, R/o-Flat No.503, Ekta Enclave, Opposite Chhattisgarh College, Byron Bazar, Raipur, District Raipur, Chhattisgarh

---Petitioner

Versus

- 1.** Union of India, Through-Secretary, Ministry of Personnel, Public Grievances and Pension, Department of Personal and Training Khan Market, New Delhi
- 2.** Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110069

---Respondents

For Petitioner	:	Mr.V.V.S.Murthy, Senior Advocate with Mr.Pawan Shrivastava, Advocate
For respondents	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/06/2018

- 1.** The petitioner appeared in the Civil Services Main Examination, 2011 and passed preliminary as well as main examination, he was also called for personality test in which he remained unsuccessful. Thereafter he made an application to respondent No.2 for providing photocopies of the answer-sheets under Right to Information Act, 2005 (hereinafter called as 'RTI Act'). The petitioner's application was rejected by respondent No.2 on the ground that evaluated answer-sheets come under the core functioning of the Commissions' working and on the ground of invocation of Section 8(1) (d) of the RTI Act. Questioning

that order, this writ petition has been filed by the petitioner herein stating inter-alia that the Supreme Court in the matter of **Central Board of Secondary Education and Anr. v. Aditya Bandopadhyay and Ors.**¹ has granted copies of answer-sheets of the candidate, therefore, the petitioner is entitled for copies of answer-sheets.

2. Mr.V.V.S.Murty, learned Senior Counsel with Mr.Pawan Shrivastava, learned counsel for the petitioner, would submit that the petitioner is entitled for photocopies of answer-sheets applying the principle of law laid-down by the Supreme Court in **Aditya Bandopadhyay** (supra).
3. None appeared for the respondents though served.
4. I have heard learned counsel for the petitioner and perused the documents appended with the writ petition.
5. Question of supply of answer-sheets of the candidate of Civil Services Examination came up for consideration before the Supreme Court in the matter of **Union Public Service Commission etc. v. Angesh Kumar & Ors. Etc.**² in which the Supreme Court has considered the matter in detail and also considered its earlier judgment rendered in the matter of **Aditya Bandopadhyay** (supra) and held as under:-

“(10) 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

1 (2011) 8 SCC 497

2 (2018) 4 SCC 530

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 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.

(11) In view of the above, the impugned order(s) is set aside and the writ petitions filed by the writ petitioners are dismissed. This order will not debar the respondents from making out a case on above parameters and approach the appropriate forum, if so advised.”

6. Reverting to the facts of the present case, it appears that the petitioner has simply claimed copies of answer-sheets relying upon the judgment of the Supreme Court in **Aditya Bandopadhyay** (supra), whereas Their Lordships in **Agnesh Kumar** (supra) have clearly held that marks in Civil Services Examination cannot be directed to be furnished mechanically. The petitioner has not made out a case for grant of certified copy of answer-sheets in public interest as held by Their Lordships in para 10 of **Agnesh Kumar** (supra).
7. As a fallout and consequence of the aforesaid discussion, the writ petition deserves to be and is hereby dismissed following the principle of law laid-down by the Supreme

Court in **Agnesh Kumar** (supra) leaving the parties to bear their own cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (C) No.1082 of 2012

Petitioner

Saurabh Tyagi

Versus

Respondents

Union of India and another

(English)

Answer-sheets of Civil Services Examination cannot be granted to unsuccessful candidates under Right to Information Act, 2005.

(हिन्दी)

लोक सेवा परीक्षा की उत्तर पुस्तिकाएँ सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत असफल अभ्यर्थियों को प्रदान नहीं की जा सकती।