

16

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 249/Jodhpur/2012.

Date of decision: 03.09.2012

CORAM :

HON'BLE MR. G. GEORGE PARACKEN JUDICIAL MEMBER

HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER

Ashish Jain S/o Shri Mahavir Prasad Jain, aged about 29 years,
Resident of "Shraddha" 2B-51, Saket Nagar, Beawar, District Ajmer,
Rajasthan.

..... Applicant

[By Mr. R.S.Shekhawat, Advocate]

Versus

1. Union of India through Principal Secretary, Ministry of Personnel, Public Grievances and Pension, Government of India, New Delhi.
2. Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pension, Government of India New Delhi.
3. Union Public Service Commission (UPSC), Dholpur House, Shahjahan Road, New Delhi through the Secretary.
4. Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

..... Respondents

[By Mr. M. Prajapat for Mr. Ravi Bhansali, Advocate, for R-3 & 4]

ORDER (Oral)

[PER HON'BLE MR. G. GEORGE PARACKEN]

The applicant was a candidate for the Civil Service Examination, 2011 conducted by the Union Public Service Commission (Respondent No.3). The preliminary examination and the main examination were held on 30.06.2011 in the month of October/November, 2011 and the result of the main examination was declared in January 2012. The applicant, on qualifying the said examination, has also attended the personality test held on 29.03.2012. However, to his surprise his name was not found in the

✓

final result declared by the UPSC in its official website on 19.05.2012.

2. According to the applicant, he has fared well in the examination and the personality test but he got low marks probably for the reason that his answer-sheets were not properly valued. He has, therefore, submitted an application on 25.05.2012 under the Right to Information Act, 2005 to the UPSC to provide him the answer-sheets, both for the preliminary and the main examinations of the Civil Service Examination, 2011. His grievance is that till date, the UPSC has neither responded to his request nor furnished him the necessary information sought by him. He has, therefore, filed this O.A. seeking the following reliefs :

"A- By an appropriate writ order or direction, the respondents may kindly be directed to provide the applicant the answer books / answer sheets for all the subjects as sought by him under RTI Act vide application dated 25.5.2012 (Annex.A/3) for Civil Services Examination, 2011.

B- By an appropriate writ, order or direction, the respondents may kindly be restrained from destroying the answer books / answer sheets of the applicant till the applicant is not provided the copies of the same as sought by him under RTI Act.

C- By an appropriate writ, order or direction, the respondents may kindly be directed to extend the retention period of answer sheets / answer books from 45 days uptill the applicant is not provided the copies of the same as sought by him under the RTI Act."

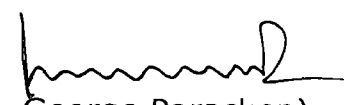
3. We have heard the learned counsel Shri R.S.Shekhawat for the applicant and Shri Mahendra Prajapat, learned counsel for the respondent - UPSC. It is seen that this Tribunal, as an interim measure, has already directed to UPSC not to destroy the answer-sheets of the applicant before their certified copies are supplied to the applicant. They were also granted several opportunities to file their reply. But, the respondent-UPSC has chosen not to file any

✓

reply. However, when this O.A. was taken up for consideration today, both the counsel have agreed for its disposal on the basis of documents available on record.

4. As far as the first prayer of the applicant in this OA is concerned, he is seeking a direction to the respondents to provide him answer books/answer sheets of all the papers sought for by him under the Right to Information Act, 2005, vide his application dated 25.05.2011. If an application is made under the Right to Information Act and if information is not given, the Act itself provides for the remedies to the applicant. Therefore, this Tribunal is not the forum to give any directions to the respondent in this regard. As regards the second prayer of the applicant is concerned, this Tribunal has already directed the Respondent-UPSC not to destroy the copies before their certified copies are provided to the applicant. The applicant himself has submitted that the retention period of the answer-sheets/answer books is 45 days. In the absence of any reply from the UPSC, it is not clear whether it has already destroyed the answer sheets/ answer books in respect of the Civil Service Examination, 2011. However, if they are not destroyed so far, the respondent-UPSC is directed not to destroy them till the applicant's application under the Right to Information Act, 2005, is disposed of.
5. With the above direction, this O.A. is disposed of. There shall be no order as to costs.


(B.K. Sinha)
Admv. Member


(G. George Parackal)
Judl. Member

Cap Reed.
12/19/12

Cap Reed.
12/19/12