

**NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX
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NAGALAND: KOHIMA -797001**

No.NIC/Appeal-2/2011-12

Dated Kohima, the 10th August, 2011

Appellant: Shri T. Tsomukuen,
C/o Atsang Sangtam
Directorate of Evaluation,
Nagaland, Kohima.

Respondent: Director, SCERT, Kohima
Public Authority: SCERT, Kohima
Date of hearing: 27.07.2011
Date of decision: 10.08.2011

Present: The appellant Shri T. Tsomukuen
The PIO, SCERT, Shri Kegwalo Thyug,
Research Associate, SCERT
The Director, SCERT, Shri Vipralhou Kesiezie.

FACTS: On the date of hearing on 27.07.2011, the appellant Shri T. Tsomukuen was given the opportunity to give his statement and reasons for filing an appeal petition. His case in brief was that he had requested the PIO of SCERT to furnish to him marks obtained by him (both written and oral) and nine other candidates in the Teacher recruitment examination held on 28th February, 2011; procedure for recommendation for selection, and hard copy of the results of the teacher recruitment examination held on 28th February, 2011. His application was filed on 10th May, 2011. The PIO of the SCERT vide his reply dated 7th June, 2011 stated that he had intimated the appellant the marks secured by him, both oral and written and also criteria and also procedure for recommendation for selection of the teachers which he mentioned was mainly on **merit**. Regarding the petitioner's request for hard copy of the results of the teachers recruitment examination held on 28th February, 2011, the PIO asked the appellant to procure the same from the Government as the result was not declared by SCERT.

Thereafter, vide his letter 13.6.2011; the applicant filed an appeal before the Director, SCERT and First Appellate Authority **Smti Keviraleü**, Controller of Examination, State Board of Teacher Education, SCERT, Nagaland without any reference or letter number simply addressed to Shri T. Tsomukuen had on 14.06.2011 communicated to the applicant that the marks of other candidates as sought cannot be furnished by the Department **without their consent**.

Apparently, not satisfied with the reply of the NSCERT in not furnishing to him the marks secured by the candidates at serial No. 15, 19, 23, 25, 28, 30, 35, 70 and also the hard copy of the results, the applicant filed an appeal to the Nagaland Information Commission on 28th June, 2011.

Accordingly, the Commission comprising of the full bench viz. Shri Lalhuma, IAS (Rtd.), Chief Information Commission, Smti Kevinino P. Meru, State Information Commissioner and Shri Bukchem Phom, State Information Commissioner heard the case on 27th July, 2011 at 1230 PM. The appellant Shri T. Tsomukuen, the PIO of the SCERT Shri Kegwalo Thyug and Director, SCERT and 1st Appellate Authority Shri Vipralhou Kesiezie were given opportunities to give their statements and their explanations etc

Decision of the Commission.

The Commission taking into consideration the depositions of the Appellant, the PIO and First Appellate Authority held the view that since marks form the basis of the **final result** of any examination, every candidate is entitled to have information relating not only to his marks but to marks obtained by other successful candidates. Once the results are declared, marks are not to be kept secret. The candidates applying for their mark sheets and also those of other candidates **do not need the prior consent** of the other candidates especially once the final results have been declared.

The Commission also took the stand that publication of mark sheets once the final results are declared and published cannot affect the final results in any way unless gross irregularities are brought out. Precedent decisions have been taken by the Central Information Commission in the following cases viz. **in Shri George Paul Vs BSNL (Appeal No.38/ICPB/2006 dated 7th May, 2007 and the decision of the Division Bench of the Central Information Commission in Niraj Kumar Singale Appeal case in Appeal No.11/53/2006-CIC dated 2nd May, 2006.** In all these cases, the Central Information Commission decided that as far as declaration of marks obtained by successful candidates is concerned, they are not to be kept secret and should be furnished and that every candidate is entitled to have information relating to marks obtained by successful candidates.

The Commission also stressed the importance of exhibiting polite and decent behavior by citizens in their eagerness to obtain information and also the responsibility of PIO and Appellate Authority to render reasonable assistance to citizens seeking information as provided in the Act.

Accordingly, without any prejudice to or any alteration of the final results of the teacher recruitment examination held on 28.2.2011, which has already been declared and published, the Commission directs the PIO and the first Appellate Authority of SCERT to furnish marks (both oral and written) obtained by candidates holding serial No.15, 19, 23, 25, 28, 30, 70 and hard copy of the final

results of the teachers recruitment examination held on 28th February, 2011 to Shri T. Tsomukuen.

The Director, SCERT and Appellate Authority had requested that he may be allowed to hand over the documents applied for by the appellant T. Tsomukuen namely marks obtained by candidates holding serial No. 15, 19, 23, 25, 28, 30, 35, 70 and hard copy of the final results of the Teachers' Recruitment examination held on 28th February, 2011. The Commission agreed. Hence since the documents in question have been handed over to the appellant, and acknowledged by him, the appeal is disposed off.

Pronounced in open proceeding on 10.08.2011.

Copies be given to:

1. The Director, SCERT, Kohima.
2. The PIO, SCERT.
3. The appellant.

(LALHUMA) IAS (Rtd)
Chief Information Commissioner,
Nagaland, Kohima

(KEVININO P. MERU)
State Information Commissioner,
Nagaland, Kohima.

(BUKCHEM PHOM)
State Information Commissioner,
Nagaland, Kohima