

**NAGALAND INFORMATION COMMISSION**  
**Old Secretariat Complex,**  
**Post Box No. 148**  
**Nagaland, Kohima - 797001.**  
**Tel: 0370-2291041, Fax: 0370-2291774, Website: www.nlsic.gov.in**



No. NIC/Appeal-20/2012-13

Dated Kohima, the 21<sup>st</sup> June, 2013.

Appellant: Ms. Mezhülhousieno Nakhro,  
Exam Roll No. A-521,  
Dimapur, Nagaland,  
Mobile No. 9856445692/9206125783,

Respondent: 1. Shri. Vipralhou Kesiezie,  
Director & First Appellate Authority,  
SCERT, Nagaland, Kohima,  
  
2. Shri. Kegwalo Thyug,  
Research Associate & PIO,  
SCERT, Nagaland, Kohima

Public Authority: SCERT, Nagaland, Kohima

Date of Hearing: 12.06.2013

Date of Interim Decision: 18.06.2013

Present:

- i. Shri. Vipralhou Kesiezie, Director & First Appellate Authority, SCERT, Nagaland, Kohima;
- ii. Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima;

The appellant, Ms. Mezhülhousieno Nakhro, Exam Roll No. A-521, Dimapur, Nagaland, Mobile No. 9856445692/9206125783 **was not present.**

**FACT OF THE CASE:**

Ms. Mezhülhousieno Nakhro, Exam Roll No. A-521, Dimapur, Nagaland, Mobile No. 9856445692/9206125783, had submitted a RTI Application dated **09.10.2012** alongwith the application fee of Rs. 10.00 to the PIO, SCERT, Nagaland, Kohima, requesting to provide the **“Photocopies of the following Roll Nos. A-289, A-390, A-537, A-511, written examination papers (answer scripts) of the Primary teacher Examination, 2012 of Dimapur District.”**

In response to her RTI Application dated 09.10.2012, Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima had, vide No. SCERT/RTI/2010-2011/559 dated 12.10.2012 informed the applicant that **‘the information could not be furnished for reason that the applicant can seek the Answer Scripts for his/her own only.’**

On being not satisfied with the reply of the Research Associate & PIO, SCERT, Nagaland, Kohima, the applicant had submitted an appeal dated 05.11.2012 **directly before the Commission.** However, since the applicant did not appeal first to the Director & First Appellate Authority, SCERT, Nagaland, Kohima, the Commission had, vide its letter of even No. dated 20.11.2012, advised her to submit first appeal to the Director & First Appellate Authority, SCERT, Nagaland, Kohima.

And on the advice of the Commission, the applicant had accordingly submitted First Appeal dated **03.12.2012** to the First Appellate Authority, SCERT, Nagaland, Kohima. However, on not getting any response within the stipulated time from the Director & First Appellate Authority, SCERT, Nagaland, Kohima to her First Appeal dated 03.12.2012, which was

submitted on the advice of this Commission vide letter of even No. dated 20.11.2012, the applicant had preferred a second appeal dated **24.01.2013** before the Commission.

On receipt of the second appeal dated **24.01.2013**, the Commission had, vide its letter of even No. dated 07.02.2013, directed the Director & First Appellate Authority, SCERT, Nagaland, Kohima to hold a hearing of the parties (PIO and the appellant) and pass quasi-judicial orders by **15.02.2013**, with a copy to this Commission.

And in compliance to the above directive of the Commission dated 07.02.2013, the Director & First Appellate Authority, SCERT, Nagaland, Kohima had, vide letter No. SCERT/RTI/2010-2011/834 dated 16.02.2013 informed that though the applicant was **intimated over the phone for three (3) times, the applicant had failed to turn up for the hearing fixed on 15.02.2013 at 11:00 AM** in his office chamber.

The Commission had, vide its letter of even No. dated 28.02.2013 advised that if the appellant do not respond or appear for the hearing, the Director & First Appellate Authority, SCERT, Nagaland, Kohima may, in the presence of the PIO concerned, pass *ex parte* quasi-judicial decision/order **by 12.03.2013**. And a copy of the quasi-judicial decision/order so passed be forwarded to this Commission for its records and future exigency.

And in compliance to the above directive of the Commission dated 28.02.2013, the Director & First Appellate Authority, SCERT, Nagaland, Kohima had, vide letter No. SCERT/RTI/2010-2011/909 dated 14.02.2013, but signed on 14.03.2013 wrote to the Commission containing the decision and also informed that the hearing was held with both the parties (PIO and appellant) on **12.03.2013** in his office chamber.

However, the Commission had, vide letter of even No. dated 01.04.213, directed the Director & First Appellate Authority, SCERT, Nagaland, Kohima to submit a formal quasi-judicial decision/order incorporating the decision contained in his above mentioned letter, with a copy to the appellant also.

And in compliance to the directive of the Commission dated 01.04.213, the Director & First Appellate Authority, SCERT, Nagaland, Kohima had, vide letter No. SCERT/RTI/2009-2010/964 dated 08.04.2013, submitted a formal quasi-judicial decision/order.

However, the applicant (now the appellant) had, vide letter dated 22.04.2013 complained before the Commission that she was aggrieved/not satisfied because even after the first appeal hearing held on 12.03.2013, the Director & First Appellate Authority, SCERT, Nagaland, Kohima **had flatly refused to furnish the information**.

### **OBSERVATIONS:**

Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima had, vide No. SCERT/RTI/2010-2011/559 dated 12.10.2012 while providing the **oral and written marks** of all the candidates (selected, waiting list, failed candidates and absentees), denied the copies of the **Answer Scripts of the other candidates except her (the applicant's) own Answer Scripts**. A photocopy of the written answer script was furnished to the applicant on 26.09.2012.

The Director & First Appellate Authority, SCERT, Nagaland, Kohima, submitted that during the hearing of her first appeal on **12.03.2013** in his office chamber he had explained to her that as per the '**State Board of Teacher Education Examination Rules, 2011**' no candidate shall have access to the answer scripts of the other candidates without the consent of the other candidates, and in order to get photocopy of the answer scripts of the other candidates, the consent of the other candidates needed to be obtained. To which she expressed satisfaction with the explanation.

The respondent categorically stated that the interview was conducted strictly under the laid down procedures and guidelines and therefore, supplying of answer scripts of other candidates was denied to the applicant as per the '**State Board of Teacher Education Examination Rules, 2011**'.

The Commission also observed that in a number of decisions of the Central Information Commission, Nagaland Information Commission and Supreme Court judgment, request for **own answer scripts** under the RTI Act, 2005 **can be disclosed** since, the question of invasion of privacy of his/her own self does not arise. However, **copies of the answer sheets of other employees/candidates are denied** to the Appellant/Complainant, as they relate to third parties, and that the PIO should take recourse to Section 11(1) of the RTI Act as the information related to answer sheets of other candidates is a third party information, and shall invite their submissions whether the information can be disclosed or not before taking decision on disclosure. Moreover, the information regarding the **name of the examiner** would be exempt under Section 8(1)(g) of the RTI Act since disclosure of such information may **endanger** the life or physical safety of the examiner and the question setters.

**DECISION (Interim):**

Since the **oral and written marks** of all the candidates (selected, waiting list, failed candidates and absentees), and a **photocopy of the written answer script** were furnished to the applicant(now appellant) on 26.09.2012, and that the **‘State Board of Teacher Education Examination Rules, 2011’** debars candidate in accessing the answer scripts of the other candidates **without the consent of the other candidates**, which is in consonance with the some of the decisions of the Central Information Commission, including this Commission and Supreme Court judgments, and also that the appellant was not present, the Commission reserves its final decision to the next hearing which shall be held on **30.07.2013 at 1:00 PM.**

Decision pronounced on this day, the 12<sup>th</sup> June, 2013.

Copies be given to the parties:-

1. Shri. Vipralhou Kesiezie, Director & First Appellate Authority, SCERT, Nagaland, Kohima;
2. Shri. Kegwalo Thyug, Research Associate & PIO, SCERT, Nagaland, Kohima.
3. Ms. Mezhülhousieno Nakhro, Exam Roll No. A-521, Dimapur, Nagaland, Mobile No. 9856445692/9206125783.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

**BUKCHEM PHOM**

State Information Commissioner,  
Nagaland Information Commission.

Authenticated by:-

**(Soyimna Aier Koza)**

Secretary  
Nagaland Information Commission.