

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-8/2013-14

Dated Kohima, the 13th December, 2013.

Appellant: Shri. Deenabhandhu Panda,
F/o Gaurav Kumar Panda,
Office of the District Education Officer,
Kiphire, Nagaland,
Mobile No. 9436007896/8974111249

Respondent: (i) Mrs. Asano Sekhose,
Chairman-cum-Secretary,
NBSE, Nagaland, Kohima.

(ii) Shri. Neilazolie Liezietsu,
Controller of Examinations,
NBSE, Nagaland, Kohima

(iii) Shri. Dziesevolie Tsürho,
Asstt. Academic Officer & PIO,
NBSE, Nagaland, Kohima,

Public Authority: Nagaland Board of School Education (NBSE), Nagaland, Kohima.

Date of Hearing: 26.11.2013 at 2:30 PM.

Date of Decision: 13.12.2013.

Present:

- i. Mrs. Asano Sekhose, Chairman-cum-Secretary, NBSE, Nagaland, Kohima.
- ii. Shri. Neilazolie Liezietsu, Controller of Examinations, NBSE, Nagaland, Kohima
- iii. Shri. Dziesevolie Tsürho, Asstt. Academic Officer & PIO, NBSE, Nagaland, Kohima,
- iv. The applicant(now appellant), Shri. Deenabhandhu Panda, F/o Gaurav Kumar Panda, Office of the District Education Officer, Kiphire, Nagaland, Mobile No. 9436007896/8974111249.

FACTS OF THE CASE

Shri. Deenabhandhu Panda, F/o Gaurav Kumar Panda, Office of the District Education Officer, Kiphire, Nagaland, Mobile No. 9436007896/8974111249, the applicant had submitted a RTI application dated 24.06.2013 alongwith the prescribed fee of Rs. 10/- paid in cash, addressed to the PIO, NBSE, Nagaland, Kohima requesting to furnish **photocopy of the Answer Scripts** in respect of his son, Shri. Gaurav Kumar Panda, HSLC Roll No. 1361045 on two (2) subjects, viz. (i) Science and (ii) Environmental Studies.

On receipt of the RTI application dated 24.06.2013, Shri. Dziesevolie Tsurho, Asstt. Academic Officer & PIO, NBSE, Nagaland, Kohima, had vide letter No. NBE-19/G-RTI/2013-14/1420 dated 17.07.2013 replied to the applicant stating that the information sought do not fall under the ambit of the present rules and regulations of the NBSE Office and that the matter would be put up to the Examination Committee and Governing Body of the Board for instruction and decision.

On not being satisfied with the reply of the Academic Officer & PIO, NBSE, Nagaland, Kohima, the applicant had preferred a First Appeal dated 30.07.2013 before the First Appellate Authority, NBSE, Nagaland, Kohima, which was received by the NBSE on 05.08.2013.

And on receipt of the First Appeal dated 30.07.2013, Shri. Neilazolie Liezietsu, Controller of Examinations, NBSE, Nagaland, Kohima had vide letter No. NBE-19/G-RTI/2013-14/1642 dated 17.08.2013 replied that:-

- i. *Providing photocopy of the Answer Scripts on two (2) subjects, viz. (i) Science and (ii) Environmental Studies in respect of Gaurav Kumar Panda, bearing Roll No. 1361045 who appeared the HSLC Examination, 2013 **cannot be entertained** as the Board do not have the provision as per existing rules. Moreover, re-scrutiny has already been done in the Answer Scripts and results declared.*
- ii. *However, the Committee decided to make available the remarks of the re-scrutiny report, should the candidate desire. For this, the candidate may apply for it in his name and signature.*

On being not satisfied with the above reply dated 17.08.2013 to his First Appeal, the applicant(now appellant) had preferred a Second Appeal dated 09.09.2013 before the Nagaland Information Commission stating that he was not satisfied with the reply of the First Appellate Authority, NBSE, Nagaland, Kohima to his First Appeal dated 30.07.2013, which was submitted against the unsatisfactory response of the Asstt. Academic Officer & PIO, NBSE, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS

During the hearing held on 26.11.2013, the applicant(now appellant) submitted that he had earlier applied to the Nagaland Board of School Education (NBSE) for re-scrutiny of the marks secured by his son, Shri. Gaurav Kumar Panda, HSLC Roll No. 1361045 in two (2) subjects, viz. (i) Science and (ii) Environmental Studies. However, on not getting any response from the NBSE, he had personally gone to the NBSE to enquire it, but he did not get any satisfactory reply since he was told that it was not possible. He maintained that only after submission of his first appeal dated 30.07.2013, did the NBSE reply to him stating that there was no provision in the existing rules.

It was learnt that as per the Rules relating to re-scrutiny of marks/results for HSSLC and HSLC Examination, a copy of which was produced before the Commission, re-scrutiny of an answer book or re-checking does not mean re-evaluation of the answer book, but it means re-checking to see if there is any answer left unmarked and marking thereof, together with the re-totalling of marks. The total is then compared with that evaluated by the examiner. Further, the First Appellate Authority, NBSE, Nagaland, Kohima maintained that as per point No. (e) of the above rules, in no case will the re-scrutiny and re-checking be done

in the presence of the examinee or any one else on his/her behalf, nor will the answer book be shown to him/her or to any representative.

The First Appellate Authority, NBSE, Nagaland, Kohima submitted that when the first appeal dated 30.07.2013 was received and the matter put up to her, an emergency meeting of the Examination Committee was held on 13.08.2013, wherein it was decided that NBSE is regulated by certain rules and therefore cannot furnish the answer scripts openly to the appellant though asked for it, however, the concerned candidate was offered to inspect the marks obtained against each answers and the result of the re-scrutiny, but not the original answer sheets/scripts.

However, the appellant submitted that even after having done the inspection of the marks obtained against each answers and the result of the re-scrutiny, he did not receive any outcome of the inspection on the re-scrutiny.

The First Appellate Authority, NBSE, Nagaland, Kohima, clarified that as per the Notification issued by NBSE dated 21.05.2013, any re-scrutiny carried out shall be intimated to the concerned schools/centers and not to the individual candidates, and therefore the result of the re-scrutiny has been sent to all the respective schools/centers for the applicants to avail it. Furthermore, the First Appellate Authority, NBSE, Nagaland, Kohima submitted that on 13.06.2013, the NBSE had notified to the applicant(now appellant) the result of the re-scrutiny wherein there were no mistakes detected in the marks obtained and that the marks remained the same.

The Commission observed the lapses on the part of the NBSE that on receipt of the first appeal dated 30.07.2013, the First Appellate Authority, NBSE, Nagaland, Kohima who is vested with the authority of quasi-judicial functions under the RTI Act and Rules, had not called for any hearing of the parties for the first appeal and hence did not pass any quasi-judicial decision/order. Moreover, even the reply to the first appeal dated 30.07.2013 was given not by the First Appellate Authority, NBSE, Nagaland, Kohima, but by the Controller of Examinations, NBSE, Nagaland, Kohima.

DECISION

On the above observations and findings, the Commission decided that:-

1. Since there exists in the NBSE, Rules relating to re-scrutiny of marks/results for HSSLC and HSLC Examination, which allows for re-scrutiny of an answer book or re-checking to verify and compare with the actual totalling of marks but do not permit showing of the answer book to the candidate himself/herself or to any representative, the applicant (now appellant) be allowed for inspection of the marks obtained against each answers and the result of the re-scrutiny, **but not the answer book** as per the existing rules of the NBSE.
2. In this regard, both the NBSE and the applicant (now appellant) shall arrive at a convenient time for inspection of the marks obtained against each answers and the result of the re-scrutiny.
3. Copies of the notification calling for the emergency meeting and the meeting minutes, and the Notification issued by NBSE dated 21.05.2013, which states that

any re-scrutiny carried out shall be intimated to the concerned schools/centers and not to the individual candidates, shall be forwarded to this Commission **within two (2) weeks** from the date of receipt of this Decision/Order.

4. The NBSE shall submit a report to this Commission after the completion of the above inspection.

This appeal case shall be declared closed only after receiving the compliance reports from the NBSE.

Decision pronounced in the presence of all parties concerned.

Copies be given to the parties:-

- i. Mrs. Asano Sekhose, Chairman-cum-Secretary, NBSE, Nagaland, Kohima.
- ii. Shri. Neilazolie Liezietsu, Controller of Examinations, NBSE, Nagaland, Kohima.
- iii. Shri. Dziesevolie Tsürho, Asstt. Academic Officer & PIO, NBSE, Nagaland, Kohima.
- iv. The applicant(now appellant), Shri. Deenabhandhu Panda, F/o Gaurav Kumar Panda, Office of the District Education Officer, Kiphire, Nagaland, Mobile No. 9436007896/8974111249.

Sd/-
KEVININO P. MERU
State Information Commissioner,
Nagaland, Kohima.

Sd/-
BUKCHEM PHOM
State Information Commissioner,
Nagaland, Kohima

Authenticated by:-

(SOYIMNA AIER KOZA)
Secretary