

Court No. - 2

Case :- WRIT - C No. - 12161 of 2011

Petitioner :- Railway Recruitment Board And Another

Respondent :- Central Information Commission And Others

Petitioner Counsel :- A.K. Gaur,S.K. Anwar

Hon'ble Sheo Kumar Singh,J.

Hon'ble Ran Vijai Singh,J.

Argument is that respondent no.2 appeared in the examination for recruitment of Assistant Loco Pilot in which, although, he was successful, but he moved application under RTI Act for supply copy of the OMR Answer Sheet, upon which the Information Commissioner passed an order on 28.6.2010 that the copy of the OMR Answer Sheet cannot be provided, but in any working day between 10.00 AM to 5.00 PM, he can visit the office and he can peruse the OMR Answer Sheet. It is further mentioned that if petitioner is not satisfied with the aforesaid reply, then he may file appeal before the appellate authority (Chairman Railway Recruitment Board) within 30 days, the respondent no.2 may file appeal before the Central Information Commissioner who is otherwise functioning as second appellate Court.

Submission is that by taking arbitrary view of the matter, now the respondent no.1 has directed the respondent no.1 to provide copy of OMR Sheet, which on the facts is not justified.

In the similar set of facts, in respect to provide answer sheet, the Central Information Commissioner has already taken decision that no candidate can seek revaluation or supply of OMR sheet. Copy of order of the Central Information Commissioner in this respect has been annexed at page 35 of the writ petition.

In view of above, matter needs to be decided after getting response from the respondents' side.

Issue notice to the respondents, steps for which may be taken within ten days. Counter affidavit may be filed on or before the next date.

List this matter after one month.

On the facts, it is provided as an interim measure that till the next date of listing, operation of the order passed by respondent no.1 dated 27.01.2011 by which direction has been given for providing photo copy of OMR answer sheet shall remain stayed.

Order Date :- 1.3.2011

Shahid