

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/BARCM/A/2022/618557**

Ms. Princy Verma

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण / Respondent

Bhabha Atomic Research Center, Mumbai

Date of Hearing : 16.03.2023

Date of Decision : 16.03.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 07.12.2021

PIO replied on : 31.12.2021

First Appeal filed on : 09.01.2022

First Appellate Order on : 01.02.2022

2ndAppeal/complaint received on : 30.03.2022

Information sought and background of the case:

The Appellant filed an RTI application dated 07.12.2021 and the CPIO/Chief Administrative Officer (A), BARC, Mumbai vide letter dated 31.12.2021 replied as under:-

Information Sought	Information Given
Respected Sir/Madam I am Princy Verma Application No. 110314003169 (Advt No. 01/2021(R-I) applied for the post code TR/03 Cat-2 laboratory technician. I was cleared my Stage-1 and Stage-2 and appear in skill test next day.	
I want to know my Stage – 2 marks, skill test mark.	Stage-2 (written exam) mark of Ms. Princy Verma Application No. 110314003169 is 47. Skill test mark cannot be provided as it is go/ no-go basis.
Qualifying mark cut-off of this exam and	The cut-off marks for Stage-2 is 32
All candidate scored mark	The information sought relates to personal information of individual concerned hence exempted from disclosure under section 8(1)(j) of the RTI Act, 2005.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 09.01.2022. The FAA/Actg. Controller, BARC, Mumbai vide order dated 01.02.2022 stated as under:-

2 **AND WHEREAS** the said Ms. Princy Verma has preferred an online appeal dated 09.01.2022 (Registration No. : BATRC/A/E/22/00006) to the Appellate Authority, BARC stating that the reply given by the PIO is not just and appropriate, and requested to provide information about

- A. The list of the candidate shortlisted for the appointment with the respective mark obtained should be made available on the website, alongside a copy also may please be provided to me.
- B. The marks of all the candidates in all the stages may please be display on the barc website.

3. **AND WHEREAS** the undersigned as the Appellate Authority under RTI Act has called for the records related to this case and it is seen that the application was received by PIO, BARC on 07.12.2021 and the RTI application was replied vide letter No. BARC/RTI/2021/12/6521/705 dated 31.12.2021. However points raised by the appellant in his appeal are considered as under:

- i. As per the Advertisement No. 1/2021 (R-I), the selection process for the post of Laboratory Technician (Category – II) consist of tests in three stages, viz., Stage 1, Stage 2 and Stage 3. Based upon the Merit List prepared after Stage-2, candidates will be shortlisted for Stage 3 (Skill test) which is based on Go/No-Go basis which is correctly stated by PIO, BARC. However, PIO is requested to provide copy of skill test result in respect of Ms Princy Verma after applying severance clause under section 10 of RTI Act, 2005 **within 10 working days** from the date of issue of this order.
- ii. For point no. 2 (A), it is observed that the information now sought in Appeal was not part of the original RTI application. Hon'ble CIC, New Delhi in the case of Shri Harish Prasad Divedi vs BPCL dated 28.01.2014 had mentioned that an information seeker cannot be allowed to expand the scope of his RTI enquiry at the appeal stage and no disclosure of information can be made to the Appellant for raising a new query at the appeal stage. Notwithstanding this position, the applicant is informed that the select list and wait list for the post of Stipendiary Trainee (Category II – Laboratory Technician) against Advertisement No. 1/2021 (R-I) has already been uploaded on the website (<https://recruit.barc.gov.in>) and the same is available under the heading – "Notifications [BARC Trombay]".

As regards the request of applicant, i.e., the list of the candidate shortlisted for the appointment with the respective mark obtained should be made available on the website, alongside providing a copy to her and also for point no. 2 (B) above, seeking information on marks of all candidates, it is informed that the information pertains to personal information related to a third party and as per CIC decision No. CIC/UPSCM/A/2017/122611 dated 27.07.2018, the said information is exempt from disclosure under section 8(1)(j) of the RTI Act, 2005.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission has been received from the CPIO and CAO (A), BARC, Trombay vide letter dated 10.03.2023 the relevant extract of which is as under:

- (i) Ms. Princy Verma (Appellant) had obtained 47 marks in the Stage-2 examination for the post of Stipendiary Trainee CAT-II (Laboratory Technician) against Advt. No.01/2021(R-I). Skill test marks could not be provided as it is go/No-go basis.
- (ii) It is also informed that Skill Test is a trade test where no marks are awarded to the candidates, but those candidates cleared in trade test, considered for appointment as Stipendiary Trainee. 'Go' means those candidates cleared the trade test & selected for appointment and 'No-go' means those who are not cleared the trade/skill test and not considered to appointment as Stipendiary Trainee.
- (iii) As regards marks of all candidates, it is informed that marks of the other candidates pertains to personal information of individual concerned and disclosure of such information has no larger public interest/activity. It is also brought to the notice of Hon'ble CIC, on numerous CIC Decisions, Hon'ble CIC has made it clear that marks of other candidates are purely personal in nature and disclosure of which has no larger public interest, hence the same is exempted under section 8(1)(j) of RTI Act, 2005.
- (iv) It is also informed that the information sought in appeal stage was not part of the original RTI application and the Appellant can't raise a new query at the appeal stage and no disclosure of information can be provided to the Appellant for raising new query at the appeal stage and this is in consonance with the CIC decision in the case of Harish Prasad Divedi Vs. BPCL.
- (v) It is further informed that the select list and wait list for the post of Stipendiary Trainee CAT-II (Laboratory Technician) against Advt. No.01/2021 (R-I) has been uploaded in BARC Website <https://recruit.barc.gov.in> and same is available on website which can be accessed by the Appellant.
- (vi) It is also informed that the Appellant has some misconception that PIO & FAA tried their best to hide the information in order to conceal the irregularities in recruitment process. It is further reiterated that all the information sought by the Appellant was provided to her except the marks of other candidates. It is the Department's policy decision not to publish the marks of the candidates, however, the select list and waitlist of candidates for appointment to the post of Stipendiary Trainee (CAT-II-Laboratory Technician) has been published in the BARC website and same also available on the website.

(vii) It is further stated that BARC has conducted open competitive examination for appointment of various post in fair and transparent manner. Candidates from all over the country appeared for those examinations and accordingly selection panel is prepared based on the merit (marks). Subsequently the same is uploaded in the Department's website. As a department, we understand the concern of the Appellant for not empanelled for the post applied, but the allegation regarding malpractice in recruitment process for selection of candidates is baseless and not sounds good.

The Appellant participated in the hearing through video conference. At the outset she denied the receipt of the above mentioned written submission. Regarding disclosure of marks scored by other candidates, she alleged that the said information was earlier disclosed by the public authority.

The Respondent represented by Shri B V Balaji, CPIO and CAO (A), BARC participated in the hearing through video conference. In addition to his written submission he stated that individual marks of other candidates were not disclosed at the time of declaration of results and only the merit list and wait list was published.

Decision:

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the instant matter. Shri B V Balaji, CPIO and CAO (A), BARC is however directed to forward a copy of his written submission with enclosed documents to the Appellant by speed post as well as email for her perusal and ready reference. For redressal of her grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeal stands disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)

Chief Information Commissioner (मुख्य सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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