

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/2021/656809**

Shri Shivam Kumar Gour

... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO

...प्रतिवादीगण /Respondent

Bhabha Atomic Research Center
Mumbai

Date of Hearing : 18.01.2023

Date of Decision : 23.01.2023

Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

RTI application filed on : 30.08.2021

PIO replied on : 20.09.2021

First Appeal filed on : 25.09.2021

First Appellate Order on : 18.10.2021

2ndAppeal/complaint received on : 29.11.2021

Information sought and background of the case:

The Appellant filed an RTI application dated 30.08.2021 which was responded to by the CPIO vide letter dated 20.09.2021 as under:-

Information Sought	Information Given
The BARC, Post work assistant adv no 01/2019 R-2 I was filled the form of BARC Work Assistant which held on 21 Feb 2021 and its Application No. 120227019361 In this exam I was secured 175 marks out of 200 in OBC category. When result announced at that time the cutoff is 134 marks. In the list of Qualified students for advanced exam (2nd Round), here is not my name and Application Number. Kindly give me exact reason Why I did not get selected and also my raw marks.	Seeking reasons, clarification are not treated as information under section 2(f) of the RTI Act, 2005. However, as informed by Deemed PIO, it is informed that Shri Shivam Kumar Gour scored 122 marks in Stage 1 & not qualified for Stage 2 Advanced Test.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 25.09.2021. The FAA/Controller, BARC vide order dated 18.10.2021 held as under:-

5. On perusal of the records it is observed that the appellant has been informed that he had scored 122 marks in Stage 1 & not qualified for Stage 2 – Advanced Test. It is mentioned in the Advertisement and the Question Booklet that 3 marks will be awarded for each correct answer and 1 mark will be deducted for each incorrect answer. Question Paper booklet has already been provided to the candidate at the time of examination. On checking and evaluation of the applicant's OMR sheet with answer keys of Stage 1- Preliminary Test, it is again found that he has scored 122 marks in Stage 1- Preliminary Test. Hence he has not qualified for Stage 2 – Advanced Test.

6. The RTI Act, 2005, provides Right to Information for citizens to secure access to information under the control of public authorities. RTI is not a forum to resolve the grievances raised by the applicant. The same is reiterated by the Central Information Commission (CIC) vide decision No. CIC/VS/A/2015/002101/SB dated 14.06.2016.

7. Therefore, I do not see any scope for review or intervention in the Appeal.

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

Facts emerging in Course of Hearing:

The Appellant remained absent during the hearing despite prior intimation. A written submission has been received from the Appellant dated Nil, the relevant extract of which is as under:

मैं शिवम कुमार गौर हूँ और मेरी फाइल संख्या CIC/BARCM/A/2021/656809 है। आपको सूचित किया जाता है कि मैं 18/01/2023 को सुनवाई की तारीख पर उपस्थित होने में असमर्थ हूँ। 18/01/2023 को मेरी परीक्षा है जो मेरे भविष्य के लिए आवश्यक है, मैं अपने सारे मेहनतपूर्ण दस्तावेज़ को इस आवेदन मध्यम से पेश करना चाहता हूँ जो की मेरे परीक्षा के उत्तर OMR sheet की कार्बन कॉपी है कार्बन कॉपी मुख OMR शीट के पीछे जोड़ी होती है जो की कुछ ऊपर नीचे है जिसके कारण मेरे द्वारा कार्बन कॉपी में आपको गोले ऊपर नीचे भरे दिखाई पड़ेंगे, साथ में BARC द्वारा उत्तर कुंजी को भी सलग्न कर रहा जिसे आपको मेरे सही अंक प्राप्त होंगे। आपसे अनुरोध है कि मेरे सही अंक को जांचें और मेरे साथ अगर सही में गलत हुआ है तो अनुरोध की उस भर्ती में मुझे चेयन करने का आदेश दे, अगर भर्ती में सब सही है तो मैं क्षमा मांगता हूँ, आप मेरे आवेदन पर विचार करें, एवं मुझे आशा है कि आप मेरी स्थिति को समझें।

The Respondent represented by Shri V V Balaji, CPIO and CAO (A) participated in the hearing through video conference. He reiterated his written submission dated 12.01.2023 (copy delivered to the Appellant through email) the relevant extract of which is as under:

- (i) The Appellant had scored 122 marks in the Stage-1 and did not qualify for the second Stage-2 Advance Test, which was reviewed and confirmed by deemed PIO.
- (ii) Both PIO and Appellate Authority has provided the information as given by the deemed PIO and for perusal of first appeal of Appellant, the OMR sheet was rechecked and found that the Appellant had scored only 122 marks.
- (iii) It is also observed that stage-1 exam question paper consist 50 questions which carry 3 marks for each totaling of 150 marks. It is also informed that 1 correct answer carries 3 marks and 1 mark will be deducted from each wrong answer.
- (iv) It is also observed that in the application stage the applicant has mentioned that he had scored 175 marks out of 200 marks whereas in the Appeal stage, he changed his view and informed that he scored 165 marks out of 200 marks. Both the statement made by the Appellant in the application stage and appeal stage are contradictory each other.
- (v) Since, the stage-1 examination was conducted for 150 marks (50 questions), the claim of the appellant that he had scored more than 150 marks does not hold good.

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. For redressal of his grievance regarding recruitment process, 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)

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