

## BEFORE THE APPELLATE AUTHORITY

(Under the Right to Information Act, 2005)

INDIA GOVERNMENT MINT

(A Unit of SPMCIL)

IDA.Phase.II, HCL Post, Cherlapally, Hyderabad – 500 051

First Appeal No. IGMHY/A/E/22/00002 dated 03.03.2022

K N S SWAMI

:

Appellant

Vs.

CPIO(HR), IGMH,  
Hyderabad

:

Respondent

**ORDER**

1. The appellant filed an application dated February 10<sup>th</sup>, 2022 under the Right to Information Act, 2005 ("RTI Act") through the RTI MIS Portal bearing Registration No: IGMHY/R/E/22/00011. The respondent disposed of the request vide his online reply dated February 24<sup>th</sup>, 2022 to the appellant. The appellant filed the present appeal dated March 03<sup>rd</sup>, 2022 against the above response. I have carefully considered the application, the response and the Appeal and find that the matter can be decided based on the material available on record.
2. From the Appeal, I note that the appellant is aggrieved by the respondent's response to his application for providing incomplete information as far as the period is concerned.

**Queries in the application:**

Sl No.	Date of Application	Information sought
1	February 10 <sup>th</sup> , 2022	I Karanam Naga Subrahmanyeswara Swami, would like to bring to your kind notice that I have appeared for examination for recruitment of Post of Laboratory Assistant on 23-01-2022 Vide Advertisement No 01 2021 of F No I-240 Per Rectt 2021-22 1619 with roll number 1110000435 The provisionally shortlisted Candidates were published on 07-02-2022 by your Honorable Office In this Connection I request the following information regarding the declaration of result for provisionally shortlisted Candidates for document verification released by the India Government Mint Hyderabad Which criteria you have followed to shortlist the candidates for document verification whether on the basis of Marks secured for corrected answers or Corrected score or Equated Score What procedure you have adopted for calculation of Corrected score and Equated score Please provide the adopted procedure in detail Please provide the adopted process for arriving scores page No 15 given in the Advertisement or Notification for the implementation of Point No 08 while preparing the list of shortlisted candidates for Document Verification Provisional Merit List How many Marks and Corrected Score did I get in this recruitment examination since Your kind did not upload the response sheets in your website like other Competitive Examinations conducting Agencies of various Governments did Please Provide my Response Sheet if it is possible

3. The respondent provided the information to the appellant well within the prescribed period of time as per the provisions contained in the RTI Act, 2005.
4. **Grounds in Appeal** – The applicant raised the appeal on the ground that, “*Provided Incomplete, Misleading or False Information.*” And stated as below:

“I am not satisfied with your reply I am not obtained proper information what I asked about the examination for the recruitment of Post of Laboratory Assistant at B-3 Level on 23.01.2022. (Vide. Advertisement No.01/2021) I requested the following information regarding the declaration of results for provisionally shortlisted Candidates for document verification released by the India Government Mint, Hyderabad.

I. Provide the Information in which procedure you have adopted for calculation of corrected score and equated score as per the para 8 of Advt.No.01/2021 notification.

II. How many Corrected Score did I get in this recruitment examination, since Your kind didn't upload the Corrected Score on your website.

III. Provide my response sheet with question paper and master key along with complete question paper.”

5. I note that the appellant had sought information with respect to the procedure obtained to process the result for the post of Laboratory Assistant Advertised vid notice No.01/2021, Marks scored by the applicant, response sheet of the candidate. Against this request CPIO(HR) vide his RTI reply dated 24.02.2022 has provided the following information:

*“a) Marks Secured by Roll No: 1110000435 and Registration No: 930003379. Name of the Candidate: KARANAM NAGA SUBRAHMANYESWARA SWAMI are: GA:4, AR:1, BE:0,GI:7, TS:82, Total Marks Secured: 94, Category: EWS.*

*b) Criteria adopted is in line with Para 8 of Advt.No.01/2021.*

*c) Response Sheet of Roll No.1110000435 and answer key in respect of the post of Laboratory Assistant is being uploaded along with this reply.”*

6. In this regard, the undersigned had sought comments from the Respondent CPIO with whom the information is maintained with respect to the relief being sought by the Appellant.

7. Further, in response to the above direction of the undersigned, CPIO(HR) has provided the following comments on record:

*“...for S.No.1 & 2) Criteria adopted to shortlist the candidates for document verification is as per Para 8 of the Advt.no.01/2021. Individual Test Score and Total Score has already been provided to the applicant.*

*3) Scanned Copy of the Response sheet along with answer key has already been provided to the applicant along with the RTI Reply.*

*4) No other documents and information other than those provided to the applicant are available with the Public Authority....”*

8. **Points for Consideration:**

a) Whether the information requested with regard to procedure adopted for calculation of corrected score and equated score as per the para 8 of Advt.No.01/2021 was not provided to the Appellant?

b) Whether the CPIO did not provide the information pertaining to Corrected Score of the candidate and whether the Public Authority didn't upload the

Corrected Score on the office website?

c) Whether the CPIO did not provide the response sheet with question paper and master key along with complete question paper of the Appellant?

The above points standing for consideration of the FAA is dealt as below:

a) Whether the information requested with regard to procedure adopted for calculation of corrected score and equated score as per the para 8 of Advt.No.01/2021 was not provided to the Appellant?

i) It is observed from the Reply to the RTI Application and Comments tendered that the CPIO has stated that the information requested is as per Para 8 of the Advt.No.01/2021. Para.8 of the Advertisement is being reproduced below for the sake of convenience:

**“8. Process for Arriving at Scores**

The Scores of Online Examination are obtained by adopting the following procedure:

(i) Number of questions answered correctly by a candidate in each objective test is considered for arriving at the Corrected Score.

(ii) The Corrected Scores so obtained by a candidate are made equivalent to take care of the minor difference in difficulty level, if any, in each of the objective tests held in different sessions to arrive at the Equated Scores\*

\* Scores obtained by candidates on any test are equated to the base form by considering the distribution of scores of all the forms.

(iii) Test wise scores and scores on total is reported with decimal point up to two digits. Note: Cutoff is applied on total score.

i. on Total Score ”

It is pertinent here to mention that the Para 8(ii) of the Advertisement clearly provides that equated scores will be arrived in the event objective tests are held in different sessions. Since, the online examination itself was held in single session on 23.01.2022, hence, point of arriving at equated scores does not arise. Therefore, no further information could be available with the CPIO.

ii) The FAA observes that, the CPIO is obliged to provide the information to the extent it is available in their records. If the information in the manner sought by the applicant is not available, there is no bounden duty on the CPIO to create any fresh compilation for non-existent records. This legal principle is supported by the decision of the Hon'ble Delhi High Court in its order dated 07-01-2016 of Page 3 of 4 in LPA 24/2015 & CM No. 965/2015 titled as *“The Registrar of Supreme Court of India v. Commodore Lokesh K Batra & Ors.”* wherein, it was held as under:-

*“15. On a combined reading of Section 4(1) (a) and Section 2(i), it appears to us that the requirement is only to maintain the records in a manner which facilitates the right to information under the Act. As already noticed above, “right to information” under Section 2(j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the applicant.”*

iii) Further, it is also observed that under the provisions of the RTI Act, 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. In this context, the decision of the Hon'ble Supreme Court of India in *Khanapuram Gandiah v. Administrative Officer*

and Ors. in SLP (C).34868 OF 2009 (Decided on January 4, 2010) can be cited where it was held as under:

6. "...Under the RTI Act "information" is defined under Section 2(f) which provides: "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."

*This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed."*

7. ". . . the Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him."

Hence, no further consideration by the FAA in this regard is required.

- b) Whether the CPIO did not provide the information pertaining to Corrected Score of the candidate and whether the Public Authority didn't upload the Corrected Score on the office website?

The FAA has gone through the information provided by the CPIO and notes that the CPIO has already provided the information pertaining to the Corrected Score to the Appellant and it is also noted that the Corrected score of all the candidates has been uploaded on the website "<https://igmhyderabad.spmcil.com/Interface/JobOpenings.aspx?menu=5>" on 24.02.2022 and was made available for viewing up to 31.03.2022.

Hence, no further consideration by the FAA in this regard is required.

- c) Whether the CPIO did not provide the response sheet with question paper and master key along with complete question paper of the Appellant?

The FAA has gone through the information provided by the CPIO and notes that the CPIO vide his online RTI reply dated 24.02.2022 has already uploaded the scanned copy of the response sheet and answer key of the Appellant(Roll No.1110000435).

Further, it is observed that the appellant had sought one set of information vide his RTI request dated 10.02.2022 (Please Provide my Response Sheet if it is possible) and has made the current appeal seeking completely different set of information (Provide my response sheet with question paper and master key along with complete question paper). As such, as per the provisions contained in the RTI Act, 2005, when a appellant raises an appeal; the appellate authority under Section 19 has to consider the appeal keeping in account the request made in the RTI application and reply of the CPIO. However, the present appeal seeks some new information. Even, common law principles state that the

main purpose of an appeal is to review the decisions made at the lower level authority. Thus, the appellate authority can only review the request sought & information provided by the respondent CPIO and in no way consider any other request at this level.

9. In exercise of the powers, conferred upon the Appellate Authority under Section 19(6) of Right to Information Act, 2005, the appellate authority finds no reason to interfere with the responses provided by the respondent CPIO.

10. **The Appeal stands disposed.**

The decision can be appealed against to CIC within a period of 90 days at below mentioned address or through the online RTI portal.

**Central Information Commission,  
Room No. 305, 2nd Floor,  
CIC Bhawan, Baba Ganganath Marg,  
Munirka, New Delhi – 110 067.**

Place: Hyderabad

Date: March 14, 2022

F.No. IGMH/RTI/FAA/2021-22 / 2425

(Jyoti Prakash Dash)

**APPELLATE AUTHORITY &  
CHIEF GENERAL MANAGER**

To,  
Sri.K N S SWAMI,