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No: A/66/MIC - 2025
MANIPUR INFORMATION COMMISSION
SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.
Phone No: 0385-2456495



Appeal Case No. 66 of 2025

L. Thaibemma Devi

- Appellant

-Vs-

SPIO/ Addl. Director (GC), Education-S, Manipur

- Respondents

DECISION

Dated: - 28.07.2025

The FAA and the SPIO are represented by Shri Karong Victor Kom, OSD (Legal). The Appellant is represented by Shri M. Randy, Advocate through Video Conferencing.

Facts of the Case:

On 14-02-2025, the Appellant filed an RTI application under Section 6(1) of the RTI Act, 2005, seeking information regarding the selection process for the Multi Tasking Staff (MTS) announced by the Directorate of Education (S), Government of Manipur, on 24-09-2024. The queries sought were:

- i. Certified copies of the original answer papers/OMR sheets of the top 5 and last 5 selected candidates in the Unreserved (UR) category.
- ii. Certified copies of the answer scripts of the top 5 selected candidates in the OBC category.
- iii. A photocopy of the applicant's answer paper.
- iv. Marking scheme.
- v. Cut-off marks for UR and OBC candidates (if any).
- vi. Marks list of all selected candidates and the applicant.
- vii. Answer key for the MTS post.

On 25-03-2025, the SPIO responded, providing information for queries 3 (applicant's answer paper), 4 (marking scheme), 5 (cut-off marks, referring to query 4), and 7 (answer key), but denied queries 1, 2, and 6, citing exemption under Section 8(1)(j) of the RTI Act, stating that disclosure would cause an unwarranted invasion of privacy without serving a larger public interest.

Being not satisfied with the information dated 25-03-2025, the Appellant filed a First Appeal on 09-04-2025 under Section 19(1), alleging non-compliance with Section 7(8) and failure to follow Section 11 procedures for third-party information. As no response from the FAA was received within the stipulated period, the Appellant filed a Second Appeal under Section 19(3) to this Commission on 15-05-2025, reiterating the grounds of the First Appeal and seeking the remaining information.

2. The Commission held hearings on 20-06-2025 and 10-07-2025:

- On 20-06-2025, the SPIO was absent, and the Appellant's representative (her husband) confirmed receipt of information for queries 3, 4, 5, and 7 but pressed for queries 1, 2, and 6. The Commission directed the SPIO to furnish disclosable information by the next hearing.
 - On 10-07-2025, the SPIO's representative cited Section 8(1)(j) for denying queries 1 and 2 and assured compliance with query 6, referencing the Supreme Court's decision in Public Information Officer and Registrar & Anr. Vs. Onkar Dattaray Kalmankar & Anr. (SLP © No. 2783 of 2025), which permits disclosure of marks but not answer scripts.
3. Pursuant to the Commission's direction dated 10-07-2025, the SPIO provided additional information on 24-07-2025, furnishing the marks of all selected candidates for query 6 and reiterating the denial of queries 1 and 2 under Section 8(1)(j), supported by the aforementioned Supreme Court judgment.

Summary of the Hearing:

The case was heard on 20-06-2025, 10-07-2025 and 28-07-2025. On 20-06-2025, the SPIO was absent, and the Appellant's representative (her husband) confirmed receipt of information for queries 3, 4, 5, and 7 but pressed for queries 1, 2, and 6. The Commission directed the SPIO to furnish disclosable information by the next hearing. On 10-07-2025, the SPIO's representative cited Section 8(1)(j) for denying queries 1 and 2 and assured compliance with query 6, referencing the Supreme Court's decision in Public Information Officer and Registrar & Anr. Vs. Onkar Dattaray Kalmankar & Anr. (SLP © No. 2783 of 2025), which permits disclosure of marks but not answer scripts.

Pursuant to the Commission's direction dated 10-07-2025, the SPIO provided additional information on 24-07-2025, which included the marks list of all selected candidates (query 6) and detailed reasons for rejecting queries 1 and 2 under Section 8(1)(j), citing the Supreme Court judgment in Onkar Dattaray Kalmankar. The SPIO requested the Commission to close the appeal proceedings, asserting that all disclosable information had been provided and valid reasons for rejection had been furnished.

In response, the Appellant's counsel, appearing via video conferencing, prayed for additional time to submit objections and reasons to counter the SPIO's rejection of queries 1 and 2. The Commission directed the counsel to submit objections supported by relevant case law to challenge the SPIO's reasons for rejection. However, the Appellant's counsel failed to submit any counterarguments or supporting case law to challenge the SPIO's reliance on Section 8(1)(j) or the cited Supreme Court judgment during the hearing on 28-07-2025.

Findings:

1. Queries 1 and 2 (Answer Scripts/OMR Sheets):
 - (a) The SPIO's denial of certified copies of answer scripts/OMR sheets of other candidates (top 5 and last 5 in UR, top 5 in OBC) is justified under Section 8(1)(j) of the RTI Act, as these constitute personal information. The Supreme Court in CBSE v. Aditya Bandopadhyay (2011) and Onkar Dattaray Kalmankar (SLP © No. 2783 of 2025) prohibits disclosure of answer scripts unless a larger public interest is established.
 - (b) The Appellant has not demonstrated a public interest justifying disclosure, and her counsel, appearing via video conferencing on 28-07-2025, failed to provide any case law or arguments to counter the SPIO's rejection.
 - (c) The SPIO's failure to follow Section 11 procedures (notifying third parties) is a procedural lapse but does not warrant disclosure, given the judicial precedent and absence of public interest.



2. Query 6 (Marks List):

- (a) The SPIO provided a comprehensive marks list of all selected candidates across UR, OBC, ST, SC, and OBC (MP) categories on 24-07-2025, including the Appellant's marks (13.75). This fully satisfies query 6, consistent with the Supreme Court's ruling allowing disclosure of marks.

3. Queries 3, 4, 5, and 7:

- (a) The SPIO provided the Applicant's answer paper (query 3), marking scheme (query 4), answer key (query 7), and referred to the marking scheme for query 5 (cut-off marks) on 25-03-2025.
- (b) The marks list provided for query 6 implicitly addresses query 5 by indicating the range of qualifying marks. The Appellant's counsel raised no specific objections regarding query 5 during the hearing on 28-07-2025, and no further information appears pending.

Observations:

1. Procedural Lapses:

- (a) The SPIO's response on 25-03-2025 was delayed beyond the 30-day period mandated under Section 7(1), constituting a violation.
- (b) The FAA's failure to dispose of the First Appeal filed on 09-04-2025 within the stipulated period necessitated this Second Appeal.
- (c) The SPIO's initial denial of queries 1, 2, and 6 on 25-03-2025 lacked detailed reasoning under Section 7(8), but this was rectified in the response dated 24-07-2025, which provided valid reasons supported by judicial precedent.
- (d) The SPIO's absence during the hearing on 20-06-2025, despite notice, was a lapse, but subsequent compliance, including physical presence of the SPIO and FAA representatives on 28-07-2025, mitigates its impact.

2. Compliance with Commission's Directions:

- (a) The SPIO complied with the Commission's direction dated 10-07-2025 by providing the marks list for query 6 on 24-07-2025 and reiterating valid reasons for denying queries 1 and 2.
- (b) The Appellant's failure to counter the SPIO's rejection with case law or arguments during the hearing on 28-07-2025 supports the closure of the appeal, as no information remains pending.

Decision:

- 1. Queries 1 and 2: The denial of certified copies of answer scripts/OMR sheets is upheld under Section 8(1)(j) of the RTI Act, as their disclosure would invade the privacy of other candidates without a demonstrated public interest. The Appellant's counsel, appearing via video conferencing on 28-07-2025, failed to provide counterarguments or supporting case law to challenge the SPIO's rejection, as directed by the Commission.
- 2. Query 6: The information provided on 24-07-2025 fully satisfies this query.
- 3. Queries 3, 4, 5, and 7: The information provided on 25-03-2025 is adequate. The marks list for query 6 sufficiently addresses query 5, and no further information remains pending.
- 4. Procedural Lapses: The SPIO and FAA are cautioned to strictly adhere to the timelines and procedural requirements of the RTI Act, including Sections 7(1), 7(8), and 11, in future responses. No penalties under Section 20 are imposed, as the SPIO has fully complied with the Commission's directions.



5. Closure of Appeal: The SPIO's request to close the appeal proceedings is granted, as all disclosable information has been provided, and valid reasons for rejecting queries 1 and 2 have been furnished, which the Appellant's counsel failed to challenge with supporting case law during the hearing on 28-07-2025. No further information is pending.

With these findings and decisions, the Second Appeal is closed. No further directions are issued to the SPIO.

Announced in open chamber.

Typed by: -

Compared by: -



Sd/-
(K. Radhashyam Singh)
State Chief Information Commissioner,
Manipur Information Commission.

Authenticated by

(S. Inao Singh)
Deputy Registrar (Judicial -I)
Manipur Information Commission

Copy to: -

1. The FAA/ Director of Education-S, Manipur.
2. The SPIO/ Addl. Director (GC), Education-S, Manipur.
3. Leimapokpam Thaibemma Devi w/o Shagolsem Ananda Singh
Athokpam Awang Leikai, Thoubal District, Thoubal, Manipur
Contact No. 9856991864
4. The Joint Secretary (MIC), Manipur - *He is requested to upload it on the official website.*

Note: - For online hearing, he/she is requested to download the **Jitsi Meet** app for use on a mobile phone or use the link <https://meet.jit.si/MIC1> for video conference (VC) on computer and enter the room name as **MIC1**.