

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/IGNOU/A/2024/642539

Banappa Gari Pranay Reddy

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO: Indira Gandhi National
Open University (IGNOU),
Kerala

... प्रतिवादीगण/Respondent

Relevant dates emerging from the appeal:

RTI : 11.09.2024	FA : 19.09.2024	SA : Nil.
CPIO : 19.09.2024	FAO : 23.09.2024	Hearing : 18.11.2025

Date of Decision: 28.11.2025

CORAM:
Hon'ble Commissioner
ANANDI RAMALINGAM
O R D E R

1. The Appellant filed an RTI application dated 11.09.2024 seeking information as under:

“Request you to furnish Certified Copies of my Evaluated Answer Sheets under the Right to Information Act, 2005

Below are my details for your reference:

Name: BANAPPA GARI PRANAY REDDY

Programme Code: BAPSH

Enrolment No: [REDACTED]

Exam: June 2024 TEE, Course Code for which evaluated copies of answer sheets required under the RTI Act, 2005

1. BAP1002, 2. BPSC105, 3. BEGAE182, 4. BPAC108, 5. BPSC109, 6. BPSC104,
7. BPSCIOI, 8. BPAS184, 9. BEVAE181, 10. BPSC107, 11. BPSC102, 12. BPAG173

I would like to draw your kind attention to Supreme Court judgement in the case titled CBSE & Anr. Vs. Aditya Bandopadhyay & Ors., in Civil Appeal No. 6454/2011 held that the evaluated answer-book is also an information under the RTI Act and in case titled Institute of Companies Secretaries of India (ICSI) Vs. Paras Jain, Civil Appeal No. 5665/2014 Supreme Court has held vide its order dated 11.04.2019 that if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein.”

2. The CPIO replied vide letter dated 19.09.2024 and the same is reproduced as under :-

“Please send the request through the IGNOU official link. The photocopy will be sent to the leaner registered email id.”

3. Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 19.09.2024. The FAA vide order dated 23.09.2024 upheld the reply given by the CPIO.

4. Aggrieved with the FAA’s order, the Appellant approached the Commission with the instant Second Appeal dated Nil.

5. The Appellant and the Respondent remained absent during the hearing.

6. The Commission took on record the written submissions of the Appellant reiterating the following grounds of the second appeal:

“1. The PIO has refused access to information sought under the RTI Act, 2005. The information requested pertains exclusively to me as the appellant and does not fall under the exemptions under Sections 8 or 9 of the RTI Act.

2. As held in CBSE & Anr. Vs. Aditya Bandopadhyay & Ors., Civil Appeal No. 6454/2011, evaluated answer sheets are information under the RTI Act.

3. In Institute of Company Secretaries of India (ICSI) Vs. Paras Jain, Civil Appeal No. 5665/2014, the Supreme Court held (order dated 11-04-2019) that when a candidate seeks information under the RTI Act, fees must be charged as per RTI Rules and not according to the University's internal rules.”

7. The Commission after advertizing to the facts and circumstances of the case, and perusal of records, observes that the CPIO & FAA have completely ignored the fact that they are dealing with an application made under the RTI Act and are supposed to restrict their reply to the mandate of the RTI Act. In other words, if the answer script was available, the CPIO was mandated to charge the prescribed fee only as per Section 7(1) read with 7(5) of the RTI Act and Rule 4 of RTI Rules 2012.

Here, as rightly relied upon by the Appellant, the Respondent is also directed to take note of the Hon'ble Supreme Court judgment in the matter of **ICSI vs. Paras Jain** in **CIVIL APPEAL NO. 5665/2014** based on a similar factual matrix where the Respondent authority had a prescribed mode of accessing exam records, it was held that '*the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes.*'

8. Having observed as above, the **Commission directs the CPIO to now provide a revised reply to the Appellant incorporating the available information free of cost. The said revised reply of the CPIO shall be sent to the Appellant within 15 days of the receipt of this order under due intimation to the Commission.**

Further, the **Commission issues a strict warning to the CPIO to ensure against providing such replies to the RTI Applications in the future as though replying to a**

routine representation, thus negating the very purpose of the RTI Act. The CPIO is also directed to acquaint themselves well with the statutory mandate of the RTI Act, digression from whose provisions may also attract penal provisions envisaged in Section 20 of the RTI Act against them in the future.

9. The Commission also takes grave exception to the fact that the CPIO remained absent during the hearing without any intimation thereof and has also failed to place any written submissions on record. **Now, therefore, the CPIO shall send a proper written explanation to this effect to the Commission within 15 days of the receipt of this order.**

10. The Appeal is disposed of accordingly.

Copy of the decision be provided free of cost to the parties.

Sd/-

(Anandi Ramalingam) (आनंदी रामलिंगम)
Information Commissioner (सूचना आयुक्त)
दिनांक/Date: 28.11.2025

Authenticated true copy

O. P. Pokhriyal (ओ. पी. पोखरियाल)
Dy. Registrar (उप पंजीयक)
011-26180514

Addresses of the parties:

1 The CPIO
Indira Gandhi National Open
University (IGNOU), Regional
Centre Kochi, IGNOU Complex,
Kaloor PO, Kochi, Ernakulam
District, Kerala – 682017

2 Banappa Gari Pranay Reddy

Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil