Relevant Facts emerging from the Appeal:

Appellant: Mr. Prabodh Kumar Singh
Opposite to Govt. Ration Shop,
Surya Shikha Sarani, Near Haripal More,
Siliguri, Dist-Jalpaiguri.
West Bengal.

Respondent: Dr. Kulbir Singh
CPIO & Joint Director,
Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi 110069.

RTI application: 18/08/2008
PIO reply: 18/09/2008 & 02/04/2009
First appeal: 26/09/2008
FAA order: 10/11/2008
Second appeal: 06/09/2010

Information sought:
a. Whether the result of C.S.(P) Examination, 1994 was based on the scaling system?
b. Marks secured by me and cut off marks for the selection of candidates in Civil Services (Prel.) Examination, 1994.

PIO’s reply:
As regard information on ‘a’ above, it is informed that the result of Civil Services (Prelims) examination, 1994 was based on the scaling system.
3. Further regarding the information on ‘b’ above, it is stated that the Commission has filed Special Leave Petition in Hon’ble Supreme Court of India challenging the order dated 03.09.2008 of the Hon’ble Division Bench of Delhi High Court regarding disclosure of marks and cut off marks in Civil Services (Preliminary) Examination. It is, therefore, regretted that the requested information cannot be provided to you at this stage.

Grounds for First appeal:
In reference to the above and as per the latest decision of Hon’ble Court of Law against the Scaling System, why my candidature for Civil Service Examination may not be reviewed and reconsidered, if I secured more marks then the lowest cut off amongst all subjects for the Civil Service (Preliminary) Examination’ 1994 may kindly be intimated under RTI Act’ 2005.

FAA order:
Since the requests made by the appellant in his RTI application issues under consideration of the Hon’ble Supreme Court in SLP No. 23250/2008 filed by the Commission, it would be appropriate if the request for such information is made to the CPIO. UPSC after a decision in the matter is pronounced by the Hon’ble Supreme Court.
Grounds for Second appeal:
As per RTI Act, 2005 Union Public Service Commission is neither informing the marks secured by the undersigned and minimum cut off marks nor considering the undersigned for Civil Services Examination as a corrective measure as the result of the above examination was scaled as Informed by the IJPSC as above in spite of several letters, requests and reminders as per the latest decision of Hon’ble Supreme Court of India and Govt. of India in line with the constitution of India as scaled result of the above examination is illegal as per the verdict of Hon’ble Supreme Court of India as learnt and also in line with the provision of National Litigation Policy implemented w.e.f 1 July 2010 as applicable especially i.r.o Service Matters.
In this context I request you to intervene in the mater so that implementation of RTI Act, 2005 may be ensured and do the needful as above in the present scenario towards selection for the above examination if I secured more marks than the minimum cut off for above said preliminary examination and oblige forever.

Relevant Facts emerging during Hearing:
The following were present:
Appellant: Mr. Prabodh Kumar Singh on phone through mobile no. 09434426398;
Respondent: Dr. Kulbir Singh, CPIO & Joint Director; Mr. Imran Farid, US;

The PIO has stated that he can now provide the cutoff marks to the Appellant. As far as the individual marks of the candidates are concerned the respondent stated that these are kept in a computer and as per the weeding out process data is kept only for five years. In view of this he states that it is not possible to give the marks to the Appellant.

Decision:
The Appeal is allowed.
The PIO is directed to provide the cutoff marks and send the weeding out rules to the Appellant before 10 June 2011.

This decision is announced in open chamber.
Notice of this decision be given free of cost to the parties.
Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
27 May 2011

(In any correspondence on this decision, mention the complete decision number.) (KA)