



Original Copy of Order Dated 20/2/12

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JAIPUR BENCH, JAIPUR

3820

7840
19/3/12

S.B. CIVIL WRIT PETITION NO. ____/2012

Sudhir Pratap Singh Shekhawat S/o Laxman Singh Shekhawat,
aged about 22 years R/o Rajeev Colony, Near L.I.C. Colony,
Behind Shantipura, Vaishali Nagar, District Ajmer.

Petitioner . . .

1. Rajasthan Technical University. through its Registrar,
Rawatbhata Road, Kota- 324010 (Rajasthan).
2. The Examination Controller, Rajasthan Technical
University, Rawatbhata Road, Kota- 324010 (Rajasthan).

Respondents.....

S.B. CIVIL WRIT PETITION UNDER
ARTICLES 226 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF ARTICLES
14, 16 AND 21 OF THE CONSTITUTION OF INDIA

IN THE MATTER OF CHECKING AND SHOWING THE COPY OF
EXAMINATION OF ENGINEERING MECHANICS (CODE-204),
OPERATING SYSTEMS (6IT1), WEB TECHNOLOGY (6IT4) AND
OPTICAL COMMUNICATION OF RAJASTHAN TECHNICAL
UNIVERSITY

IN THE MATTER OF PRINCIPLE OF NATURAL JUSTICE.

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In the High Court of Judicature for Rajasthan
Jaipur Bench

Civil Writ Petition No.3820/2012
Sudhir PS Shekhawat *Versus* Raj. Tech. Univ. & Ors

Date of Order ::: 30/03/2012

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ram Pratap Saini, for petitioner

Petitioner is a student of Bachelor of Technology (Info. Tech.). His grievance is to inspect certain answer script of papers of VIII Semester (Back Exam.2011) & result was declared on 05/12/2011, for which application was submitted by him under Right to Information Act but that was rejected vide order dt.02/01/2012 (Ann.5) on the premise that under Ord.157-A-16 of university of Rajasthan, which has been adopted by respondent-Rajasthan Technical University, Kota, it could not be made available for inspection.

Counsel submits that the controversy raised herein has been set at rest by Apex Court in *CBSE Vs. Aditya Bandopadhyay*, (2011 (8) SCC 497), operative part thereof reads ad infra :

"The right to information is a cherished right. Information & right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made



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transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4 (1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities



of the High Court directing the examining bodies to permit examinees to have inspection of their answer books is affirmed, subject to the clarifications regarding the scope of the RTI Act and the safeguards and conditions subject to which 'information' should be furnished. The appeals are disposed of accordingly."

However, as informed, respondent-University took decision in the light of judgment of the Supreme Court in CBSE Vs. Aditya Bandopadhyay (supra), the State Government vide order dt.28/02/2012 granted approval and in furtherance thereof, order dt.12/03/2012 came to be issued by respondent-University granting permission to the students to inspect their evaluated answer-books of University Examination w.e.f. Odd semester examinations of academic session-2011-12 on the prescribed application form alongwith non-refundable fees of Rs.1000/- per answer book. Order dt.12/03/2012 reads as follows:

"In compliance of the Hon'ble Supreme Court decision on the writ petition no.6454/2011 and further order of the Government of Rajasthan vide letter No.प.20(7)त.शि./2005 dt. 28.02.2012 Hon'ble Vice Chancellor is pleased to allow the students to inspect their evaluated answer-books of University examinations w.e.f. odd semester examination of academic session 2011-12.

The students may apply as per approved guidelines available on the

university website within 15 days of the date of declaration of the result in the prescribed application form along-with non-refundable fees of Rs.1000/- per answer book."

In view of decision of the State Government & University (supra) dt.12/03/2012, rejection of petitioner's application vide order dt.02/01/2012 (Ann.5) does not hold good.

Taking note of order dt.12/03/2012, Counsel for petitioner on instructions confined the prayer for inspection of papers of Semester-VI of B.Tech. (IT) (Back) Examination, 2011 viz. Operating System (Code-6-II-1), web Technology (Code-6-IT-4) & Optical Communication (6-IT-5).

In the light of order dt.12/03/2012 of the Rajasthan Technical University, Kota, the writ petition is disposed of with the direction to the respondent-University to grant permission to the petitioner to inspect answer books of papers of 6th Semester (Back) Exam. 2011 (referred to in preceding para) within one month on payment of prescribed fee per answer book. However, after inspection of the answer books (supra), petitioner, if feels aggrieved, will at liberty to avail of remedy under the law.

(Ajay Rastogi), J.