

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नईदिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/NFCOM/A/2022/663301**

Shri Sai Nath S.

... अपीलकर्ता / Appellant

VERSUS/बनाम

PIO, Nuclear Fuel Complex, D/o Atomic Energy

...प्रतिवादीगण / Respondent

Date of Hearing : 23.01.2024

Date of Decision : 23.01.2024

**Chief Information Commissioner : Shri Heeralal Samariya**

**Relevant facts emerging from appeal:**

RTI application filed on : 20.07.2022

PIO replied on : 18.08.2022

First Appeal filed on : 18.08.2022

First Appellate Order on : 22.08.2022

2<sup>nd</sup>Appeal/complaint received on : 29.11.2022

**Information sought and background of the case:**

The Appellant filed an RTI application dated 20.07.2022 seeking information on following points:-

*“Kindly share the previous question papers and Answer keys for the post Technical Officer / D (Civil) conducted by NFC in the past 10 years.”*

The CPIO and AO- III, Nuclear Fuel Complex, D/o Atomic Energy vide letter dated 18.08.2022 replied as under:-

*“The information sought cannot be provided under Section 8 (1) (d) of RTI Act, 2005, as the Question papers of both Scientific and Technical cadres being the intellectual property of the Department.”*

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 18.08.2022. The FAA and Chief Administrative Officer, Nuclear Fuel Complex, D/o Atomic vide order dated 22.08.2022 upheld the reply of the CPIO.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

**Facts emerging in Course of Hearing:**

**Appellant:** Absent

**Respondent:** Shri D Srinivas Rao, CPIO and AO- III

The Appellant remained absent during the hearing despite prior intimation.

Shri D Srinivas Rao reiterated his written submission dated 19.01.2024 wherein it was inter alia stated that as per the DAE's OM Note No 8/8/2020-SCS/6670 dated 09.06.22021, furnishing of question papers and answer keys of Scientific and Technical cadre is denied since the question banks for setting the said question papers are limited and the disclosure of the same would harm the competitive position of other candidates. Also the question papers and answer keys have acquired the nature of intellectual property of the center. A copy of the written submission was also marked to the Appellant.

**Decision:**

Keeping in view the facts of the case and the submissions made by the Respondent, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided. Hence, no further intervention of the Commission is required in the instant matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeal stands disposed off accordingly.

**Heeralal Samariya (हीरालाल सामरिया)**  
**Chief Information Commissioner (मुख्य सूचना आयुक्त)**

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

S. K. Chitkara (एस. के. चिटकारा)

Dy. Registrar (उप-पंजीयक)

011-26186535