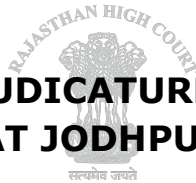




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Civil Writ Petition No. 22018/2025

CNR: RJHC011042562025 | URN: CW / 39313U / 2025

Hemlata Parihar D/o Shri Ashok Kumar Parihar, Aged About 27 Years, R/o Behind Rampuriya College, Near Mohta Well, Bikaner, Rajasthan.

-----Petitioner

Versus

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Himanshu Shrimali
For Respondent(s) : Mr. Manish Patel

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

28/10/2026

1. By way of filing the present writ petition, the petitioner has prayed for the following reliefs:-

- "(i) Respondents may kindly be directed to provide the answer sheet of second paper of the competitive examination for the post of Stenographer Grade II pursuant to the advertisement dated 26.2.2024 (Annexure:-1);*
(ii) Order dated 29.10.2025 (Annexure:-16) passed by the respondent may kindly be quashed and set-aside.
(iii) Respondents may kindly be directed to consider the candidature of petitioner for appointment on the post of stenographer grade II, if petitioner is found eligible.
(iv) Any other order or direction which this Hon'ble Court deems just and proper in the facts and circumstances of the case, may kindly be passed in favour of the petitioners in the interest of justice."



2. Learned counsel for the petitioner submitted that the petitioner participated in the selection process initiated by the respondent Rajasthan Staff Selection Board (RSSB) for the posts of Stenographer and Personal Assistant Grade-II pursuant to the advertisement dated 26.02.2024. By way of the present writ petition, the petitioner seeks a direction to the respondents to provide a copy of his evaluated answer sheet under the Right to Information Act, 2005.

3. Learned counsel for the petitioner submitted that the respondents themselves, vide communication (Annexure-14), had informed the petitioner that a copy of the evaluated answer sheet would be supplied upon completion of the selection process initiated pursuant to the advertisement dated 26.02.2024. It was contended that the selection process has since been completed, yet the respondents have failed to provide a copy of the evaluated answer sheet to the petitioner without assigning any valid reason or justification.

4. Learned counsel for the petitioner further submitted that the Hon'ble Supreme Court, in **Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Ors., (2011) 8 SCC 497**, held that an examining body does not stand in a fiduciary relationship with an examinee whose answer book has been evaluated by it. Consequently, the exemption under Section 8(1)(e) of the Right to Information Act, 2005, is not available to examining bodies in respect of evaluated answer books, and examinees are entitled to inspect or obtain copies of their evaluated answer books, subject to the provisions of the Act.



5. *Per contra*, learned counsel for the respondents submitted that in the absence of statutory rules entitling candidates to obtain copies of evaluated answer books, the petitioner cannot claim such a right as a matter of course. Learned counsel, therefore, prayed for dismissal of the writ petition.

6. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that no statutory provision or rule has been brought to the notice of this Court that prohibits the supply of an evaluated answer sheet to a candidate upon an application made under the Right to Information Act, 2005.

7. The Hon'ble Supreme Court, in **Aditya Bandopadhyay (supra)**, while considering the right of an examinee to inspect or obtain copies of evaluated answer books under the Right to Information Act, 2005, observed as under:

"3. The question whether copy of answer sheet can be accessed under Right to Information Act or not, came to be considered by this Court in Delhi Subordinate Services Selection Board versus Pushpendra Singh, W.P(C) No.4048/2012, decided on 22.7.2013 and relying upon the decision of the Hon'ble Supreme Court in Central Board of Secondary Education and Another vs. Aditya Bandopadhyay and Others (2011) 8 Supreme Court Cases 497, the writ petition was disposed of with direction that if the answer sheet is available, a copy thereof shall be provided to the respondent in the said writ petition. In Aditya Bandopadhyay and Others (supra), the Apex Court, inter alia, held as under:

"26. The examining bodies (Universities, Examination Boards, CBSE etc.) are neither security, nor intelligence organizations and therefore the exemption under Section 24 will not apply to them. The disclosure of information with reference to answer-books does not also involve infringement of any copyright and therefore Section 9 will not apply. Resultantly, unless the examining bodies are able to demonstrate that the evaluated answer-books fall under any of the categories of exempted 'information' enumerated in Clauses (a) to (j) of Sub-section (1) Section 8, they will be bound to provide access to the information and any applicant can either inspect the document/record, take notes, extracts or obtain certified copies thereof.

27. The examining bodies contend that the evaluated answer-books are exempted from disclosure under Section 8(1)(e) of the RTI Act, as they are 'information' held in its fiduciary relationship. They fairly conceded that evaluated answer-books will not fall under any other exemptions in Sub-section (1) of Section 8. Every examinee will have the right to access his evaluated answer-books, by either inspecting them or take certified copies thereof, unless the evaluated answer-books are found to be exempted under Section 8(1)(e) of the RTI Act."





4. Dealing with the contention that the rules and regulations of the examining body may bar inspection of the answer sheet, the Apex Court held as under:-

36. Section 22 of RTI Act provides that the provisions of the said Act will have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Therefore the provisions of the RTI Act will prevail over the provisions of the bye-laws/rules of the examining bodies in regard to examinations. As a result, unless the examining body is able to demonstrate that the answer-books fall under the exempted category of information described in Clause (e) of Section 8(1) of RTI Act, the examining body will be bound to provide access to an examinee to inspect and take copies of his evaluated answer-books, even if such inspection or taking copies is barred under the rules/bye-laws of the examining body governing the examinations. Therefore, the decision of this Court in Maharashtra State Board (supra) and the subsequent decisions following the same, will not affect or interfere with the right of the examinee seeking inspection of answer-books or taking certified copies thereof.

43. It cannot therefore be said that the examining body is in a fiduciary relationship either with reference to the examinee who participates in the examination and whose answer-books are evaluated by the examining body."

8. In view of the aforesaid observations of the Hon'ble Supreme Court, this Court finds that an examinee is entitled to inspect or obtain a copy of his evaluated answer book under the Right to Information Act, 2005, unless the examining body establishes that the answer book falls within an applicable exemption under the Act. Accordingly, following the law laid down in **Aditya Bandopadhyay (supra)**, this Court finds merit in the present writ petition.

9. Consequently, the present writ petition is **allowed**. The respondent RSSB is directed to supply to the petitioner a copy of the evaluated answer book/answer sheet of the second paper of the Stenographer competitive examination conducted pursuant to the advertisement dated 26.02.2024, upon payment of the prescribed fee, if not already paid, within a period of one month from the date of this order.

10. Stay application stands disposed of.

(KULDEEP MATHUR),J

Crt_9 (1810)
D-A/229
Himanshu Singh

