

# Central Information Commission

CIC/PB/C/2008/555/AD

Dated November 27, 2008

**Name of the Appellant** : **Dr.Suresh Gupta  
Mahavir Hospital  
Surajpol, Gopal Bagh Road  
Udaipur 313 001**

**Name of Public Authority** : **The CPIO  
Ministry of Health & Family  
Welfare  
National Board of Examination  
PSP Area  
Sector-9  
Dwarka, New Delhi**

## Background

1. The RTI application was filed on 2.1.08. The Appellant stated that he had appeared for a screening test for registering in the Medical Council of India after receiving an MBBS degree in Britain. The Appellant in particular wanted information against 21 points related to the screening test. The CPIO on 10.3.08 transferred the application to the National Board of Examinations for response. On not receiving any reply from National Board of Examinations, the Appellant filed his first appeal on 12.2.08 reiterating his request for the information. The National Board of Examinations on 26.2.08 provided some information in which it stated that queries 1-9 are abstract and provided answers for questions 10-21. The Appellant filed his second appeal before the CIC on 23.5.08.
2. The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing for November 27, 2008.
3. Mr. Rakesh Gosain, (Advocate for NBE) represented the Public Authority.

4. The Appellant and the Respondent was not present during the hearing.

**Decision**

5. The Respondent submitted that many candidates who obtain degrees from Russia and CIS countries and who appear for the test held by NBE to be registered with MCI are not qualified to be Doctors since they get their degrees from Colleges/Institutes which fall below the Indian Standards. He stated that FMGE screening test has multiple choice questions and that the key lies with the NBE and that the answer sheets are evaluated by the computer which scan them and then categorizes them into those above 50% and below 50% marks. Verification is done by the experts manually on a random basis. The screening test which is required to be undergone by the candidates is the same as that conducted by AIIMS for candidates desirous of admission to post graduate courses in the Institute. The question papers cannot be revealed to the public since the subject being so technical, the questions are limited in number and are repeated often. Also to maintain a high standard, the questions are prepared after getting inputs from different Hospitals/Colleges and then are selected by a group of experts. The Respondent also pointed out that whereas all other exams are undertaken to seek admission to a study offered by the Institution, the FMGE examination is conducted by the Board in public interest to screen the academic competence of the Doctor who is entrusted with the lives of prospective patients.
6. The Commission reviewed the information provided against the 21 points in the Appellant's RTI application. The Commission noted that the CPIO is justified in not providing information against the first 10 points since they are hypothetical questions and not covered under the definition of 'information' given in the RTI application. For example some of the questions asked by the Appellant are as follows:
  - (i) The reasons for not providing us with the questions paper after the screening test.

- (ii) Why do you ask post graduate level questions in the screening test for under graduate candidates?
  - (iii) Why do you ask questions in the screening test from outside the syllabus given in the information bulletin?
  - (iv) Why are some questions asked on same subject leaving out other subjects?
  - (v) Why are students not being allowed to take away question papers after the exam?
7. The Commission holds that the NBE is not obliged to provide opinions on matters such as those asked against 1 to 11 since they do not come under the definition of "information" as given in the RTI Act.
8. The Commission also holds that the disclosure of question papers to the Appellant is exempted under Section 8 (1) (d) of the RTI Act since the papers are prepared after an intensive consultative process while paying attention to the quality of questions and other security measures in the light of the fact that questions are limited, with the subject being so technical.
9. The appeal is rejected.

(Annapurna Dixit)  
Information Commissioner

Authenticated true copy:

(K.G.Nair)  
Designated Officer

Cc:

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2. The CPIO  
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3. The Appellate Authority - RTI  
Ministry of Health & Family Welfare  
National Board of Examination  
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4. Officer incharge, NIC
5. Press E Group, CIC