

**OFFICE OF THE ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-37**

Appeal Case No: KRJ.38/2011
Date of hearing: 20-5-2015
Appellant : Sri A. K. Rakshit
Public Authority: Sri R.S. Borgayari
Heard by: Shri Himangshu Sekhar Das, IAS (Retd)
Assam State Chief Information Commr.

ORDER

The petitioner Sri A. K. Rakshit is present. He is accompanied by Smti Binoda Kalita, Sri Bikash Rakshit and Sri Dimbeswar Kalita. The Public Authority is represented by Sri R. S. Borgayari, Director, BTC and Sri Chabiram Brahma, Suptdt in the office of the Director, Education, BTC.

The second appeal petition dated 18-10-2011 and petition dated 30-11-12 submitted by Sri A.K. Rakshit the petitioner is taken up for hearing in presence of both the parties. The petitioner has made a written submission dated 18th May, 2015 which is entered into the case records.

The Director, Education, BTC has also made a written submission dated 18-5-2015 enclosing a copy of their response dated 3rd March, 2012 addressed to Sri A.K. Rakshit, the petitioner. This is also entered into the case records.

The gist of the case is that Smti Binoda Kalita was working as Asstt. Teacher of Bani Mandir High School, Charaimari under the jurisdiction of Inspector of Schools, Baksa from 2006-2009. During this period she was drawing salary and regular increments. The petitioner submitted that Smti Kalita was asked not to attend school by the Inspector of Schools, Baksa.

The Director, Education, BTC submitted that the appointment of Smti Kalita in 2006 was irregular and *abinitio* void. The appointment was made by Inspector of Schools, Nalbari, who had no jurisdiction over Bani Mandir High School, Charaibari. The Director, Education, BTC further submitted that the irregular appointment of Smti Binoda Kalita was made when her husband Sri Dimbeswar Kalita was the Headmaster of the said school. The Director, Education, BTC vide his letter dated 3rd March, 2012 informed Sri A. K. Rakshit that show cause notice was served on Smti Binoda Kalita, but she did not submit her reply to the show cause notice. The petitioner said that the show cause notice was served after she was asked not to attend school.

The main prayer of the petitioner in his RTI petition dated 24th January, 2011 is to get a copy of the office order of reinstatement of Smti Binoda Kalita, Asstt. Teacher. The relief that the petitioner is seeking is reinstatement of Smti Kalita against the post of Asstt. Teacher, Bani Mandir High School, Charaibari.

After hearing both the parties, it transpired that no reinstatement order in favour of Smti Binoda Kalita has been passed by the appointing authority, i.e., the Director, Education, BTC till date. Nor is there any formal order terminating the services of Smti B. Kalita.

The Commission directs the Director, Education, BTC to formally inquire into the matter and pass a speaking order within 30 days from the date of receipt of this order and give a copy of the same to the petitioner as well as to Smti B. Kalita. Director, Education, BTC will submit compliance report to the Commission within 45 days from the date of receipt of this order.

With the above order, the second appeal petition is disposed of.

**Sd/-
(H. S. Das)
State Chief Information Commissioner
Assam**

Authenticated true copy

**Sd/-
Secretary & Registrar,
Assam State Information Commission.**

Memo No. SIC/ KRJ.38/2011/

20-5-2015

Copy to:

1. Sri R.S. Borgayari, Director, Education, BTC for information & necessary action.
2. A. K. Rakshit, petitioner, Law Secretary, Advisory Board, AGSS, Barama, Nalbari for information.
3. Computer Section for uploading in the website.
4. Office file.

**Sd/-
Secretary & Registrar
Assam State Information Commission**