



**OFFICE OF THE  
ASSAM STATE INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M) 211/2013  
Complainant/ appellant : Sri Utpal Goswami  
Respondent : Education (Elementary) department  
Date of hearing : 6-10-2015  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

The public authority is represented by Sri Abidur Razzak. SPIO of the office of Directorate of Elementary Education, Govt. of Assam and Sri Khagen Deka, Statistical Assistant of the office of Directorate of Elementary Education, Assam. The appellant Sri U. Goswami is absent without any information.

The appellant Sri Utpal Goswami has made a written submission dated 5-10-2015 stating that he has in the meanwhile received the information sought for by him and therefore, he withdraws his second appeal petition dated 8-5-2013. Further, he has requested the Commission not to take any further hearing in the matter. The SPIO and Deputy Director, Elementary Education has made a separate written statement dated 6<sup>th</sup> October, 2015 stating that the information was furnished to the petitioner vide letter No. DEE/RTI/7/2013/11 dated 8-2-2013, copy of which has been enclosed with the written submission.

On a perusal of the information furnished and Education Department's letter No. A(IE) 308/98/79 dated 30-6-1999, it is seen that Education Department directed to Director, Elementary Education, Assam to discharge the illegally appointed person, namely Sri Dilip Deka, in compliance with the Education Department's earlier letter No. A(IE). 308/98/56 dated 20-6-1998. The letter dated 30-6-1999 mentions that the illegal appointment was made by the Director, Elementary Education vide Memo No. EAA.166/96/23 dated 9-2-1999. The information furnished to the petitioner on 8-2-2013 stated that "there is no information as to why the illegal appointed person Sri Dilip Deka's appointment was not cancelled. On the other hand, Sri Dilip Deka was appointed by the then Director. Therefore, there are some legal problems in cancelling the said illegal appointment."

It is strange to know that the appellant filed a second appeal petition on 8-5-2013, exactly 3 months after he was furnished the above mentioned information although he has now stated that he received the required information and wants to withdraw his RTI application, even though the illegality of appointment of Sri Dilip Deka continues.

In any case, since the appellant wants to withdraw his second appeal petition, the second appeal petition is disposed of and the matter is closed so far as the Information Commission is concerned. However, as mentioned in the Preamble of the RTI Act, 2005, one of the objectives of the RTI Act is to contain corruption and to hold Governments and their instrumentalities accountable to the governed, the Commission, desires that the Principal Secretary to the Government of Assam in the Education Department looks into the matter of illegal appointment of Sri Dilip Deka as mentioned in Education Department's Memo No. A(I) E. 308/98/79-A dated 30<sup>th</sup> June, 1999 and take necessary action, as may be deemed appropriate.

Sd/-  
(H. S. Das)  
Assam State Chief Information Commissioner,  
Panjabari, Guwahati

Authenticated true copy.  
Sd/-  
Secretary & Registrar  
Assam State Information Commission

Copy to;

1. Principal Secretary to the Government of Assam, Education Department, Dispur, Guwahati-6 for information and necessary action.
2. Sri Abidur Razzak. SPIO of the office of Directorate of Elementary Education, Govt. of Assam for information and necessary action.
3. Sri U. Goswami, Vill- Debananda Satra, P.O- Hazarika Para, P.S- Sipajhar, Dist- Darrang, PIN- 784145 for information
4. Computer Section for uploading in the Website.
5. Office File.

**Secretary & Registrar  
Assam State Information Commission**