



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

Case No. : LPR.24/2013

Complainant/ appellant : Sri Romananda Baruah

Respondent : Principal, Nowboicha College

Date of hearing : 9-10-2015

Complaint/ Second : Shri H.S. Das, IAS (Retd)
appeal heard by Chief Information Commissioner, Assam

O R D E R

The complainant Sri Romananda Baruah is present. The public authority is represented by (1) Smti Chinmoyee Talukdar, Deputy Director and SPIO, Directorate of Higher Education, Assam (2) Sri Nilomoni Kalita, Jr. Asstt. Office of the Directorate of Higher Education, Assam & (3) Dr. Dilip Hazarika, Principal, Nowboicha College, Lakhimpur.

The complaint petition dated 9-7-2013 is taken up for hearing in presence of both the parties. The Principal, Nowboicha College and the SPIO and Deputy Director, Higher Education, Assam Smti Chinmoyee Talukdar both have filed separate written submissions dated 8-10-2015, which are entered into the case records.

From perusal of the case records, it is seen that the applicant Sri Romananda Talukdar filed an appeal petition dated 3-4-2013 before the Deputy Commissioner, Lakhimpur and the same application on the same date was also filed before the Director, Higher Education, Assam. On 27-5-2013 vide his letter No. BDE/RTI/53/2013/13 the then SPIO and Deputy Director, Higher Education, Assam Mrs. Ajanta Kotoyi forwarded letter No. NC/RTI/RB/2013/96 dated 17-5-2013 received from the Principal, Nowboicha College to Sri Ramananda Baruah, the applicant. Vide that letter, the Principal stated that a Registered letter was sent to Sri Romananda Baruah on 10-4-2013 requesting him to collect the required information from the office of the Principal, Nowboicha College. The applicant, however, did not visit the Nowboicha College, as deposed by him before the Commission today. Instead he filed a complaint petition on 9-7-2013 before this Commission. When asked by this Commission, the complainant stated that he is still interested in receiving the information as sought for vide his written submission dated 3-4-2013 and made a written submission to that effect. Accordingly, the Commission converts the complaint petition into an appeal petition under Section 19 and takes it up for consideration accordingly.

The substantive issue raised in the RTI application dated 3-4-2013 is that Hon'ble Gauhati High Court passed an order in Writ Appeal No. 361/2009 on 19-10-2012. The applicant wants to know the action taken by the concerned Authorities for implementation of the above-mentioned High Court Order. Both the parties present agreed that the process of implementation of High Court's order will have to begin with a proposal from the Principal, Nowboicha College to the Director, Higher Education and then to the Govt. The Principal, Nowboicha College submitted that in reply of Hon'ble High Court's order, as mentioned above, he placed the matter in the meeting of the Governing Body on 22-12-2014 and the proposal of the Governing Body was forwarded to the Director, Higher Education, Assam. Under the facts and circumstances, the Commission directs the Principal, Nowboicha College to allow the petitioner to inspect the relevant documents/ records/ Governing Body meeting and any proposal sent by him to the Higher Authorities for implementation of Hon'ble High Court's order dated 19-10-2012, allow to take notes thereof or take photo copies of any document relevant to his information on payment of Rs. 2/- for each page of photo copy, within 15 days from the date of receipt of this order. Thereafter, the petitioner will be free to approach the SPIO in the office of the Director, Higher Education within 15 day's from the date of inspection of documents of Nowboicha College and inspect the relevant documents/ office records, as above, regarding action taken by the Director, Higher Education on any proposal received by them from the Principal, Nowboicha College and also take notes and photo copies as may be required by him, as per procedure mentioned above. Similarly, the applicant will be allowed to inspect the

relevant documents/ office records by the SPIO of the Higher Education Department, Govt. of Assam within 15 days from the date of inspection of documents/ records by him in the office of Director, Higher Education and take notes/ photo copies of documents received by him relevant to implementation of Hon'ble High Court's order dated 19-10-2013, by following the same procedure, as above. The Commission notes that the Principal Nowboicha College, the Director, Higher Education, Govt. of Assam and the Higher Education Department, Govt. of Assam were Respondents No. 3, 2 & 1 respectively in the Hon'ble High Court's order mentioned above and therefore, the responsibility of implementation of the said Hon'ble Court order rests equally and collectively on all the three respondents.

With the above order, the second appeal petition dated 9-7-2013 is disposed of.

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

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No. KP(M)559/2013 -A

Dtd. 09-10-2015

Copy to:

1. Smti Chinmoyee Talukdar, Deputy Director and SPIO, Office of the Directorate of Higher Education, Kahilipara, Guwahati for information and necessary action.
2. Dr. Dilip Deka, Principal, Nowboicha College, Lakhimpur for information and necessary action.
3. Sri Romananda Baruah, Bowalguri, P.O-Bogolijan, North Lakhimpur for information..
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission