



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

Case No. : KP(M).653/2013

Complainant/ appellant : Sri Madhurjya Protim Bordoloi

Respondent : SEBA

Date of hearing : 5-9-2015

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

O R D E R

The complainant Sri Madhurjya Protim Bordoloi is absent without any information. The public authority is represented by (1) Sri Bimal Ch. Medhi, SPIO Board of Secondary Education (2) Sri Kaushik Ch. Deka, Deputy Secretary, SEBA and (3) Golak Ch. Basumatary, Deputy Controller of SEBA.

The complaint petition dated 21-9-2013 is taken up for hearing ex-parte in the absence of the complainant.

The SPIO, SEBA Sri B. C. Medhi has made a written submission dated 1st October, 2015 , which is entered into the case records.

From a perusal of the case records it is seen that the petitioner Sri Madhurjya Protim Bordoloi submitted his RTI petition dated 27-5-2013 before the PIO of Board of Secondary Education, Assam. The SPIO of SEBA furnished information against 9 points vide his letter dated 1st July, 2013 except photo copies of the three answer scripts . For furnishing photo copies of 3 (three) answer scripts the SPIO requested the petitioner to deposit Rs.1500/- @ Rs.500/- for each answer script. However, the petitioner did not deposit the cost of Rs. 1500/- as requested and instead filed an appeal petition before the First Appellate Authority on 10-7-2013. But it appears that the First Appellate Authority did not give any hearing to the appellant and instead directed the PIO to furnish the required information to the petitioner, against which the complaint petition dated 21-9-2013 has been filed. While the representatives of the Public Authority has stated that they have furnished the required information except for the photo copy of the answer scripts, the complainant could not be heard due to his absence.

The PIO of SEBA further stated that since the petitioner did not deposit the cost of Rs. 1500/- as per SEBA regulations, the three answer scripts sought for by the petitioner were destroyed alongwith other answer scripts of the said examination after 4 months of the examination under the SEBA regulation. So the substantive position as of today is that the information sought for , ie. Photo copies of the 3 answer scripts are not available for giving them to the complainant, although the PIO should have preserved the answer scripts till disposal of the RTI case. The SPIO is therefore, directed to submit a written statement within 30 days from the date of receipt of this order, as to why further action under Section-20 of the RTI Act, 2005 shall not be taken against him

Fix 16-11-2015 at 11 AM for next date of hearing.

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

**Authenticated true copy.
Sd/-**

**Secretary & Registrar
Assam State Information Commission**

Copy to:,

1. Sri Bimal Ch. Medhi, SPIO Board of Secondary Education, Bamunimaidam, Guwahati-21 for information and necessary action.
2. Sri Madhurjya Protim Bordoloi, Bar Association , Dibrugarh, P.O & P.S-Dibrugarh, Dist- Dibrugarh for informationl
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission