



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

Case No. : DHR.17/2015

Complainant/ appellant : Md. Shohidur Rohman

Respondent : Block Elementary Education Officer, Mankachar En. Block

Date of hearing : 30.10.2015

Complaint/ Second : Shri Pinuel Basumatary, IA&AS (Retd)
appeal heard by : State Information Commissioner, Assam

O R D E R
30.10.2015

Appellant Md. Shohidur Rohman was present.

Public Authority was absent.

Perused the records in the Second Appeal Case.

The following dates are relevant:

RTI Petition filed on 16.7.14, 8.8.14, 16.8.14.

First Appeal submitted on 8.9.14

Second Appeal filed on 22.10.14.

Hon'ble High Court's Order dtd. 25.5.15 received in the Commission on 11.9.15.

Not receiving the information he had sought for from the SPIO in the office of the BBEO, Mankachar Education Block, Hatshingimari and non-disposal of the First Appeal, the Appellant approached the Hon'ble Gauhati High Court with Writ Petition. The Hon'ble High court in its judgment dtd 25.5.15 directed the respondents, namely the State Information Commission, the SDO(C), South Salmara-Mankachar sub-Division, the SPIO in the office of the Dy Inspector of Schools, South Salmara-Mankachar sub-Division, the SPIO in the office of the BBEO, Mankachar Education Block and Head Master cum Member Secretary, Moynabandha Girls M.E. Madrassa, Village-Moynabandha in the district of Dhubri, Assam to provide the required information to the petitioner and if for any reason, the information/documents are not capable of being furnished to the petitioner, he may be intimated the reasons thereof. The Hon'ble High court have also ordered the required exercise in terms of that order be carried out as expeditiously as possible per provisions of the RTI Act.

It is noted that in respect of the Hon'ble High Court's order, this Commission is required to considered and dispose of the Second Appeal of the Appellant.

The appellant had submitted that he is yet to receive the information he had sought and therefore, he has also submitted legal notice through his Advocate.

Appellant also has informed the Commission that on receipt of the Commission's hearing notice, an official from the office of the BBEO contacted him (Appellant) by telephone and informed him that they have not been able to collect the information/documents from the Head Master from the concerned school.

From the above, it is evident that SPIO has not been able to provide the required information to the Appellant/Applicant in the time frame mandated by the RTI Act, 2005 and in spite of the order of the Hon'ble High Court.

It is therefore, now ordered that SPIO in the office of the BEEO, Mankachar Education Block will take all necessary action to provide the information sought for by the appellant/Applicant to Md. Rohman within 15 days free of cost from the date of receipt of this order.

The Commission also directs the SPIO to explain as to why written reply sought for by this commission through its letter No. SICDHR/17/2015/12 dtd 13.10.15. The SPIO may also explain as to why penalty u/s 21 of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information to the Applicant within the stipulated period of 30 days.

Attention of SPIO is also drawn to the Section 22 of the Said Act regarding recommendation for disciplinary action against SPIO under the Service Rules applicable to him for persistent failure to furnish the information. The SPIO's reply may be sent to the Commission within 21 days of receipt of this order. In his written submission the SPIO will also give a report on the action taken by him in compliance of the order of the Hon'ble High Court and this order of the Commission.

Another hearing on the instant second Appeal case may have to be taken based on the compliance or otherwise by the SPIO.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. DHR.15/2015/

Dtd. 30.10.2015

Copy to:

1. The Block Elementary Education Officer, Mankachar Education Block, Hatsingimari, Dist. Dhubri, Assam PIN-783135 for information and necessary action.
2. The Deputy Inspector of Schools, Hatsiosngimari, South Salmara, Dist. Dhubri, Assam, PIN- 783135 for information and necessary action.
3. Md Shohidur Rohman, Vill Moynabandha, PO- Fekamari, South Salmara, Dist. Dhubri, Assam, PIN 783135 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission