

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

Case No. : KJR.38/2011

Complainant/ appellant : Shri A.K. Rakshit

Respondent : Director, Education (Secondary), BTC, Kokrajhar

Date of hearing : 05.11.2015

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

O R D E R
05.11.2015

Both the parties are present

Perused the records in the Second Appeal Case.

The following is the sequence of events:.

24.1.11	RTI application submitted to Director, Education (Secondary), BTC, Assam
25.7.11	First Appeal preferred to Director, Education (secondary), BTC
18.10.11	Second Appeal filed before the Commission.
19.1.12	Commission forwarded the First Appeal to Director, Education (Secondary), BTC
30.11.12	Applicant submitted reminder
3.3.12	Information provided by Director, Education (Secondary) BTC
29.7.09	Show cause notice served to Smt. Binoda Kalita by Director, Education (S), BTC
18.5.15	Submission of statements by A.K. Rakshit
20.5.15	Commission issued orders
23.6.15	Complaint filed to Commission by Ak.K. Rakshit
15.10.15	Refixed date of hearing

Perused also the written statement submitted by the Director of Education (S), BTC. Wherein it has been stated that in compliance with the Commission's order No. SIC/KRJ.38/2011/55-56 dtd. 20.5.15 hearing was taken and order issued by him on 25.6.15 and again and it has been taken by way of terminating the service of Smt. Binoda Kalita, Asstt. Teacher, Bani Mandir High School, Charaimari with directions through order No. DE/BTC/Appointment-282/RTI/2015/149 dtd 25.6.15. A copy of the order has been enclosed with the WS.

The Appellant submitted that he had not received the information from the SPIO/Public Authority, office of the Director of Secondary Education, BTC on the action taken following the order of the Commission dtd. 20.5.15

Perused also the submission made in writing by the Appellant through his letter No. LSA.73/PNZ-09/EDN/14 dtd 23.6.15 wherein he has questioned the correctness of the process being followed by the Public Authority in notifying and holding of hearing on the case of Smt. Binoda Kalita on 22.6.15, instead of conducting an inquiry in accordance with the order of the Commission.

The Appellant personally submitted that the Public Authority has not complied with the order of the Commission in not conducting an inquiry and reiterated the detailed information he had supplied in his further representation dtd 23.6.15.

Perused again the operating part of the Commission's order of 20.5.15. The order was that Director, Education, BTC would formally inquire into the matter and pass a speaking order and give a copy of the same to the petitioner.

In view of the facts and circumstances mentioned above, it is hereby ordered that as the above mentioned action had been taken by the Director, Education, VTC passed on the single hearing and not a formal inquiry and pass a speaking order again will be conducted in compliance with the order of the Commission dtd 20.5.15 within a period of 40 days from the date of receipt of this order and give a copy of the same (order) to the Petitioner as well as to Smt. Binoda Kalita.

It is also ordered that the Appellant will submit to the Director, Education BTC a copy of his representation dtd 23.6.15 mentioned above, which contains his views on the action taken by the Director, Education, BTC following the Commission's order of 20.5.15.

With this the Second Appeal Case is disposed of.

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No. KRJ.38/2011/

Dtd. 05.11.2015

Copy to:

1. The Director, Education (Secondary), BTC, Assam, Kokrajhar for information and necessary action.
2. Shri A.K. Rakshit, Law Secretary, Advisory Board, AGSS, barama, nalbari for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission