



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

Case No. : NLB.07/2014

Complainant/ appellant : Shri Kamal ch. Das

Respondent : Deputy Secretary, Govt. of Assam, Elementary Education Department.

Date of hearing : 09. 12.2015

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

O R D E R
09.12.2015

The Petitioner/Second Appellant Shri Kamal Ch. Das is present. The Public Authority is represented by (1) Md. Abdur Razzaque, SPIO & Dy. DEE, Assam, (2) Shri Khagen Deka, Statistical Assistant, (3) Shri Dhiraj Ch. Das, RA, office of the DEE, Assam, and (4) Shri Nitul Barman, Sr. Administrative Asstt., Education Department, Dispur.

From the case records it is seen that the Petitioner filed an RTI petition dtd 30.9.13 before the SPIO of the office of the Commissioner & Secretary, Govt. of Assam, Elementary Education Department. He wanted the list of the 580 OBB Upper Primary Teachers who were appointed against 105 OBB posts sanctioned for Nalbari District with reference to the replies purportedly given by Hon'ble Education Minister to Assembly Question No. 41(c) and 52 () asked by the Hon'ble Opposition Leader Md. Sirajuddin Ajmal. By his second and third questions he wanted to know the number of teachers appointed against the 280 posts sanctioned for L.P. Schools of Nalbari District and the list of the teachers appointed.

It is seen from the case records that vide letter dtd 22.1.14 the Petitioner was informed that the list of the 580 UP teachers are not available in the Elementary Education Department and that the number of teachers appointed in the L.P. Schools was yet to be ascertained and there was no list of teachers appointed. The same reply was again furnished to the Petitioner on 4.3.14.

However, the Petitioner produced before this Commission today photocopy of an official note dtd 7.11.... written by Shri Sarat Borkotoky, the then Chairman, One Man Commission, Education Department, Assam addressed to the Minister, Education where it was clearly mentioned that the list submitted by the Deputy Inspector of Schools, Nalbari vide his letter No. 3872 dtd 16.11.2011 (for LP posts) and the list submitted by the DEEO, Nalbari vide letter No. 7783 dtd 16.11.2011 for UP Schools will also be examined by a proposed Inquiry Committee headed by DEE, Assam to find out the genuine appointees. A copy of the note has been entered into the case records. The Petitioner also produced the list of the teachers he sought for in the instant case. He procured the lists as well as the Chairman, One Man Committee's note mentioned above by filing another RTI petition dtd 9.7.10 before the Director of Elementary Education, Assam, DEEO, Nalbari and the DIS, Nalbari. Therefore, it is clear that the information sought for by the Petitioner were available with the functionaries of the Government

and the reply given to the Petitioner by the Deputy Secretary and the Under secretary, Elementary Education Department were blatantly wrong and false. From this it is clear that the lists and other information sought for by the Appellant are already in the possession of the Petitioner and his RTI requirement has been met.

Hence it appears that the Education Deptt. gave wrong information to the Petitioner vide their letter dtd 22.1.14 and 4.3.14. This Commission therefore, directs the (i) Deputy Secretary to the Govt. of Assam and SPIO, Elementary Education Department who signed the letter No. AEE(RTI).30/2013/430 dtd 22.1.14, (ii) Deputy Secretary, Govt. of Assam Elementary Education Deptt. Shri P. Lahan, ACS, who signed the supporting letter No. PMA.416/2013/7 dtd 16.1.14 containing the false information, and (iii) the Under Secretary and SPIO, Elementary Education Department, who signed the letter No. AEE(RTI).2/2014/128 dtd 4.3.14, to submit their written statements as to why appropriate penal action shall not be taken against them for furnishing the wrong information to the petitioner vide their letters mentioned above. Their written submissions are to reach this Commission on or before 16.1.2016 when the matter will be heard again, where all three of them will remain personally present.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. NLB.7/2014/

Dtd. 09.12.2015

Copy to:

1. The SPIO and the Deputy Secretary to the Govt. of Assam, Education (Elementary) Department, Dispur, Assam, PIN- 781 006 for information and necessary action.
2. Shri P.Lahan, ACS, Deputy Secretary to the Govt. of Assam, Education (elementary) Deptt., Dispur, Assam, PIN- 781 006 for information and necessary action.
3. The SPIO & Under Secretary to the Govt. of Assam, Education (elementary) Deptt., Dispur, Assam, PIN- 781 006 for information and necessary action.
4. Shri Kamal Ch. Das, Vill- Bhanukuchi, Guwakuchi, Dist. Nalbari, Assam, PIN- 781369 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission