

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

Case No. : KP(M).337/2013

Complainant/ appellant : Shri Dulal Bora

Respondent : Director, Secondary Education, Assam

Date of hearing : 21. 12.2015

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

O R D E R
21.12.2015

The Petitioner Shri Dulal Bora is absent without information. The Public Authority is represented by Dr. Bhupen Talukdar, SPIO in the office of the Director of Secondary Education, Assam. The Second Appeal petition dtd. 6.6.13 is taken up for hearing ex-parte in absence of the Petitioner.

The SPIO present has submitted a written statement dtd 18.12.15 stating inter alia that vide letter dtd 2.4.13 Shri Dulal Bora, the Petitioner was given the information in respect of the employees of the Directorate Headquarter. The Petitioner was advised to collect the required information by filing separate RTI petitions to the concerned Inspector of Schools for the field employees. This was reiterated by another letter dtd 9.4.13 from the Deputy Director of Secondary Education, Assam to Shri dulal Bora. In absence of the petitioner it could not be ascertained whether he has filed separate RTI petitions before the concerned Inspector of Schools and whether he received any information from them.

The SPIO has also enclosed WT message dtd 17.12.15 from the Directorate of Secondary Education, Assam to the concerned Inspectors of Schools to furnish the required information to prepare reply for the RTI application. This WT message appears to have been triggered after receipt of the notice from the Commission.

The relevant point with regard to this RTI petition and the Second Appeal dtd 6.6.13 is – who is the relevant Public Authority in this case. That depends on who is the appointing

and the controlling authority in respect of the Headquarter as well as field staff under the Director of Secondary Education, Assam.

This Commission directs the SPIO to come with clear position in this regard on the next date of hearing which is fixed on 30.1.2016 at 11.00 AM.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. KP(M).337/2013/

Dtd. 21.12.2015

Copy to:

1. The SPIO in the office of Directorate of Secondary Education, Assam, Kahilipara, Guwahati-781 019 for information and necessary action.
2. Shri Dulal Boara, Kainadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission