



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

Case No. : SIC/NGN.86/2012
Appellant : Md. Baharul Islam Ansari
Respondent : The SPIO, O/o the District Elementary
Education Officer, Nagaon
Date of hearing : 20.01.2016
Second Appeal heard by : Shri Pinuel Basumatary
State Information Commissioner, Assam

O R D E R
20.01.2016

The Appellant present.

The SPIO absent without any information. No Written Statement received.

A W/S dated 12th January, 2016 received from the SPIO in the office of the Directorate of Elementary Education, Assam.

The Appellant has submitted that he has not received the information he had sought for. He also added that the school relating to which he had sought for information was a venture school at that time receiving financial assistance from the Government.

Perused the W/S from the Directorate of Elementary Education Officer, Assam. It has been submitted that the First Appeal dated 08.02.2012 was forwarded to the District Elementary Education Officer (DEEO), Nagaon with a direction to dispose of the said Appeal by furnishing the information directly to the Petitioner, within 10 days from the date of receipt of the letter. The action report was also sought thereon.

It is seen, however, that the W/S has not indicated whether the information has been furnished to the Petitioner in compliance with the direction.

The action taken by the SPIO/ DEEO, Nagaon could not be determined in the absence of the said officer in the hearing and also any W/S from him.

The SPIO has also not explained as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

In view of the facts brought out above, the Commission hereby orders that the SPIO in the office of the DEEO, Nagaon shall furnish, free of cost, the information sought for by the Appellant, within a period of 10 days from the receipt of this order.

It is further ordered that the SPIO shall submit a written explanation to the Commission within 15 days of receipt of this order, as to why penalty shall not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

The Commission further orders that the First Appellate Authority/District Elementary Education Officer, Nagaon shall consider and dispose of the First Appeal dated 08.02.2012 filed by the Appellant, with a speaking order, within a period of 21 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No. SIC/NGN.86/2012 -A

Dtd.20.01.2016

Copy to:

1. The SPIO, Office of the District Elementary Education Officer, Nagaon, Dist.- Nagaon, Assam, Pin- 782001 for information and necessary action.
2. The First Appellate Authority/District Elementary Education Officer, Nagaon, Dist.- Nagaon, Assam, Pin- 782001 for information and necessary action
3. The Director of Elementary Education, Assam, Kahilipara, Guwahati, Pin- 781019, Assam with reference to the letter dated 12th January/2016.
4. Md. Baharul Islam Ansari, S/o Md. Habibur rahman, Vill- Ghehua Chalchali, PO- Ghehua Chalchali, Via Juria, Dist- Nagaon, Assam, Pin- 782124 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Secretary & Registrar
Assam State Information Commission