

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

Case No. : SIC/KMJ.25/2014  
Appellant : Md. Shafiqur Rahman  
Respondent : The SPIO, O/o the Director of Elementary Education, Assam  
Date of hearing : 10.02.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
10.02.2016

The Public Authority is represented by Sri Abdur Razzaque, SPIO/Dy. Director assisted by Sri Abani Kalita, Sr. Asstt. and Sri Girindra Nath Haloi, Jr. Asstt., Directorate of Elementary Education, Assam. A Written Statement dated 09.02.2016 received from the SPIO.

The Appellant absent without information.

Perused the aforementioned W/S. It is seen that there was inordinate delay in collecting the information from the relevant officer of the same office and the officer whose assistance was sought for was responsible for delayed supply of information. It is also seen that the information was sought for from the concerned branch of the office through letter dated 13/12/2013 which was itself written after the expiry of the stipulated 30-day period. The concerned branch did not provide the information and had to be reminded through a letter dated 17/9/2014 after having received a reminder from the Petitioner dated 21/7/2014. The information was then furnished to the Petitioner through a letter dated 13/11/2014.

Perusal of the copy of the letter dated 13/11/2014 indicates that the information provided to the Petitioner was only partial, the information relating to the 3<sup>rd</sup> and 4<sup>th</sup> points not having been provided on the ground of non-availability.

In the absence of the Petitioner and any communication from him, it could not be determined as to whether he was satisfied with the information furnished to him. It is seen that the Second Appeal was dated 28/8/2014 whereas the letter providing the partial information to him was dated 13/11/2014.

The First Appellate Authority (FAA) *i.e.*, the Director of Elementary Education, Assam does not appear to have disposed of the First Appeal dated 14/12/2013 as required by the RTI Act, 2005. It is indicated that the FAA has neither apprised the Commission about the steps he had taken to dispose of the First Appeal nor deputed any representative to the hearing which he was asked to do through the hearing notice dated 27/1/2016.

In view of the facts brought out above, the Commission hereby orders that the Appellant shall make a fresh First Appeal before the FAA, in case he was not satisfied with the information already furnished to him, and on receipt of such Appeal, the FAA shall consider and dispose of the same, with a speaking order, within the time stipulated by the Act.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Dy. Secretary & Dy. Registrar  
Assam State Information Commission

Copy to:

1. The SPIO, Office of the Director of Elementary Education, Govt. of Assam, Kahilipara, Guwahati, Pin- 781019 for information and necessary action.
2. The First Appellate Authority/Director of Elementary Education, Govt. of Assam, Kahilipara, Guwahati, Pin- 781019 for information and necessary action.
3. Md. Shafiqur Rahman, S/O- Abdur Rouf, Vill- Bargool, P.O.- Gulcharra, Dist- Karimganj, Assam, Pin- 788720 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar  
Assam State Information Commission