



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

Case No. : SIC/DHR.29/2015  
Appellant/Complainant : Md. Ahmed Hussain  
Respondent : The SPIO, O/o the D.E.E.O., Dhubri  
Date of hearing : 11.03.2016  
Second Appeal/Complaint heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
11.03.2016

The Appellant/Complainant present.

The SPIO, office of the DEEO, Dhubri absent but has sent a Written Statement dated 04.03.2016.

The Second Appeal was made by the Appellant dated 19.05.2015 after he failed to receive the information he had sought for from the SPIO, office of the DEEO, Dhubri through his RTI Application dated 24.02.2015 and having received no response from the First Appellate Authority/DEEO, Dhubri to his First Appeal dated 07.04.2015. As the FAA had not disposed of the First Appeal within the time stipulated by the RTI Act, 2005, the First Appeal had been remanded to him for disposal with a speaking order after hearing the Petitioner within 30 days from date of receipt of the remand order dated 30.10.2015. The Appellant filed a Complaint dated 16.12.2015 submitting that the FAA had not complied with the orders of the Commission. The Complaint case was thereafter listed for today's hearing and the SPIO and the FAA notified through the Commission's hearing notice dated 25.02.2016.

The Commission has not received any evidence of the FAA having disposed of the aforementioned First Appeal in accordance with the RTI Act, 2005 and in terms of the remand order of this Commission. Thus, the FAA had not complied with the provisions of the said Act and the order of the Commission.

Perused the W/S submitted by the SPIO. It had been submitted that the information had been furnished to the Appellant through a letter no. EED-318/RTI/06/12/567 dated 22.04.2015 by registered post.

Heard the Appellant. It has been submitted that he had indeed received the said letter from the SPIO but he had sought clarification/made observation as follows –

1. The copy of the document which was provided to him proved that he was not a member of the Eco Club in schools was contrary to the report of the SPIO had submitted to the Inspector of Schools, DDC, Dhubri in his letter dated 05.08.2014.
2. In the same said letter dated 05.08.2014, the DEEO, Dhubri had reported that there were many allegations against the Applicant. However, in the document enclosed by the SPIO with his letter dated 22.04.2015 in reply to the RTI Application he had enclosed only one document that related to some family dispute and not related to his position in the school as a teacher.

The Appellant/Complainant submitted the related documents which had not yet been received by the Commission earlier.

The Appellant/Complainant further submitted that he would like categorical information from the SPIO on the abovementioned two issues, firstly, the basis on which the SPIO had reported that he (the Appellant) was a member of an Eco Clubs in schools and the statement that there were many allegations against him.

Based on the facts and position stated above, it can be concluded that while the SPIO could not substantiate the allegation he has made in his letter dated 05.08.2014 addressed to the Inspector of Schools, DDC, Dhubri, and the information as sought for by the Appellant can be considered to have been provided to him by the SPIO although not in a straightforward manner.

The Commission is of the view that the grievance of the Appellant/Complainant can be redressed only through an enquiry to determine the facts of the case which is beyond the purview of the RTI Act, 2005. It will be for the Appellant/Complainant to represent his case before appropriate competent authority. Who will cause an enquiry to be conducted to determine the facts of the case and recommend appropriate action against the SPIO if misrepresentation of facts would be proved.

With this, the Complaint case is disposed of.

Sd/-  
Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-  
Deputy Registrar  
Assam Information Commission

Memo No. SIC/DHR.29/2015/ -A

Dtd. 11.03.2016

Copy to:

1. The SPIO, office of the District Elementary Education Officer, P.O.- Dhubri, Dist- Dhubri, Assam, Pin- 783301 for information.
2. The First Appellate Authority/District Elementary Education Officer, P.O.- Dhubri, Dist- Dhubri, Assam, Pin- 783301 for information.
3. The Director Elementary Education Officer, Assam, Kahilipara, Guwahati- 781019 for information.
4. Md. Ahmed Hussain, Science Teacher (U.S.), Vill- Adabari, Kachuarkhas M.V. School, PO- Dharmasala, Dist- Dhubri, Assam, Pin- 783324 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar  
Assam Information Commission