



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

Case No. **JRT.12/2014:**

Complainant/ appellant **:Sri Rajiv Kumar Dutta**

Respondent **:Education Department.**

Date of hearing **:18-04-2016**

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

**O R D E R**

The public authority is represented by Smti Sweety Gogoi Kalita, Deputy Secretary and SPIO Secondary Education Department. The petitioner Sri Rajiv Kr. Dutta is absent . However, he is represented by his Advocate Sri Debabrata Banerjee.

The second appeal petition dated 12-2-2014 is taken up for further hearing in pursuance of this Commission's earlier order dated 18-3-2016.

The SPIO of Education department informed this Commission today that in compliance with this Commission's earlier order dated 18-3-2016, she has furnished the required information to the petitioner vide letter dated 22<sup>nd</sup> March, 2016. The Advocate representing the petitioner admitted that he has received that letter and placed a copy of that letter before this Commission.

It is seen from the letter that the Hon'ble High Court's order dated 31-5-1995 in C.R Case No. 2137/95 is in the process of compliance, which means that it is yet to be complied with. Similarly, with reference to the second information sought for , i.e., whether the letter No. GB- EST/DSE/CC/138/2009/37 dated 10-2-2010 issued by the Director of Secondary Education, Assam has been implemented, the Deputy Secretary and SPIO vide her letter dated 22<sup>nd</sup> March, 2016 has informed the petitioner that the matter is under consideration at various stages, which again means that it is yet to be implemented.

This Commission is of the view that the information sought for by the petitioner , whether the Hon'ble High Court order referred to above was complied with and whether the Director, Secondary Education, Assam's letter dated 10-2—2010 was implemented, the SPIO has clearly informed the petitioner that they are under process of compliance and implementation, which means that they are yet to be complied with and implemented.

In view of the above, the Commission closes the matter of furnishing the required information by the SPIO to the petitioner. The petitioner is at liberty to take further follow-up actions as he may deem necessary.

Coming to the second part of this Commission's earlier order dated 18-3-2016, the SPIO of Education Department has submitted her written statement dated 31<sup>st</sup> March, 2016 narrating the sequence of actions taken by her and explaining the reasons for delay in submitting the information. She has also enclosed copy of her earlier letter dated 25<sup>th</sup> April, 2014, wherein it was stated that the original RTI petition dated 30-11-2013 was not received in the Education Department. From copy of that RTI application which was submitted by the petitioner before this Commission , along with the second appeal petition, it is seen that the RTI petition which was addressed to the Commissioner/ Public Information Officer, Education Department was received in the Directorate of Secondary Education on 30-11-2013 with the Directorate's seal and a signature which could not be identified by the SPIO of Education Department, who is present today.

Now the basic point with regard to the delay in furnishing the information by the SPIO is whether she received copy of the RTI petition dated 30-11-2013 and a copy of the Second Appeal Petition dated 12-2-2014 along with copy of this Commission's order dated 15-

3-2014, or, whether the Directorate of Secondary Education transferred the original petition to the Education Department. The written submission of the SPIO is silent on this point. Therefore, **the SPIO is directed to submit additional written statement within 7 (seven) days from today and confirm whether she had received copies of the Second Appeal Petition and the RTI petition along with the order dated 15-3-2014, or whether she received the original RTI petition from the Directorate of Secondary Education, by way of transfer.**

The Advocate representing the petitioner **requested for a copy of the written submission dated 31-3-2016 of the SPIO and Deputy Secretary of the Education Department. This Commission accedes to his request and directs the Registry of this Commission to enclose a copy of the SPIO's written submission dated 31<sup>st</sup> March, 2016 along with the enclosures and furnish the same to the Advocate, representing the petitioner together with copy of this order.**

The Advocate Sri Debabrata Banerjee, representing the petitioner made a plea that the matter of delay in furnishing him the information sought for by the petitioner should be referred to the CBI for inquiry by an order of this Commission. On this point this Commission observes that the request of Sri D.Banerjee, Advocate is outside the ambit of the RTI Act, 2005 and beyond the jurisdiction of this Commission. Hence his request is rejected.

**Sd/-**

**(H. S. Das)  
Chief Information Commissioner, Assam  
Panjabari, Guwahati**

**Authenticated true copy.**

**Sd/-**

**Registrar  
Assam Information Commission**

**Memo No.SIC/JRT.12/2014 /**

**Dtd.18-4-2016**

1. Smti Sweety Gogoi Kalita, Deputy Secretary and SPIO Secondary Education Department for information and necessary action.
2. Sri Rajiv Kr. Dutta, Changeli, P.O Changeligaon, Jorhat-705 010 for information.
3. Computer Section for uploading in the Website.
4. Office File.

**Registrar  
Assam Information Commission**