

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

Case No. : DMJ. 05/2014
Complainant/ Appellant : Shri Kirti Kamal Gogoi
Respondent : Director of Elementary Education, Assam
Date of hearing : 30.5.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
30.5.2016

The petitioner Shri Kirti Kamal Gogoi is represented by his authorized representative Shri Anil Gohain, Advocate. The Public Authority is represented by (1) Smti Rumi Choudhury, SPIO & Deputy Director of Elementary Education in the Directorate of Elementary Education, Assam, (2) Smti. Mayuri Pujari, Planning Asstt, and (3) Smti. Meghali Baruah, Statistical Asstt of the Directorate of Elementary Education, Assam. The Second Appeal petition dtd 5.2.14 is taken up for further hearing in pursuance of this Commission's earlier order dtd 15.3.16 in presence of both the parties.

The SPIO and Deputy Director, Elementary Education, Govt. of Assam made a written submission dtd 27.5.16 enclosing a copy of the letter dtd 17.5.16 addressed to the petitioner Shri Kirti Kamal Gogoi by Dy. Director, Elementary Education, Govt. of Assam, informing him that the information sought for by him are not available in the Directorate of Elementary Education.

The representative of the Public Authority had already submitted before this Commission that the information sought for by the petitioner vide his RTI application dtd 10.11.13 are not relevant. The authorized representative of the petitioner questioned that if the records sought for by him is not available, then how has the Directorate of Elementary Education been filing affidavits before the Hon'ble Gauhati High court in cases relating to the subject matter of the RTI petition dtd. 10.11.13, which include, inter alia, non-payment of salary to 253 nos of teachers whose services are being utilized by the State Government. The authorized representative of the petitioner wanted leave of this Commission to file

an additional prayer before this Commission to ask for copies of the relevant records and documents on the basis of which the Directorate of Elementary Education have been filing affidavits before the Hon'ble High Court. This Commission grants the prayer of the petitioner and allows him 10 days' time to file his prayer before this Commission on or before 15.6.16.

Fix 24.6.16 at 11.30 AM for the next hearing.

Appearance of the concerned Branch Officer dealing with the matter in the office of the Directorate of Elementary Education, Govt. of Assam will also be required. He is also deemed to a PIO in the case u/s 5(5) of the RTI Act, 2005. He is directed to come prepared with all relevant records and documents on that date.

Issue notice to all concerned.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/ DMJ.05/2014/

Dtd. 30.5.2016

Copy to:

1. The Deputy Director & SPIO in the office of the Director of Elementary Education, Govt. of Assam, Kahilipara, Guwahati-19 for information and necessary action.
2. Shri Anil Gohain, Advocate for the appellant, Gauhati High Court, Guwahati-1 for information and necessary action.
3. Shri Kirti Kamal Gogoi, President, Dhemaji Dist. Karmachari Parishad, Dist. Dhemaji, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Guard File.

Registrar
Assam Information Commission