



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

Case No. : SIC/BGS.02/2016  
Appellant : Sri A.K. Rakshit  
Respondent : The SPIO, Commisioner & Secretary, Secondary Education  
Department, Dispur  
Date of hearing : 30.05.2016  
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
30.05.2016

The petitioner Sri A.K Rakshit is present along with the aggrieved honorary teacher, Sri Basanta Barman.

The Public Authority is represented by Smt. S.G. Kalita, ACS, Deputy Secretary and SPIO, Secondary Education Department.

The petitioner has filed a petition today enclosing a copy of the grievance that Sri Basanta Barman Subject Teacher, Barama Higher Secondary School has been working since the year 2000 without any salary and filed the petition before the Hon'ble Chief Minister on 16.09.2013 for taking action against the BTC authority and that the Hon'ble Chief Minister vide letter dated 20.09.2013 directed the Commissioner & Secretary, Secondary Education Department to release the salary but no action had been taken by the department etc. He argued that no action was taken by the department inspite of order from the Hon'ble Chief Minister. The petitioner also alleged that the information furnished was dated 28.05.2015 which was before the filing of the RTI petition dated 09.07.2015.

The Deputy Secretary & SPIO, Secondary Education Department, Assam submitted a written statement that the appellant had filed several petitions on the same matter even before the filing of the instant RTI application. The petitioner was provided with the information vide letter dated 28.08.2015 on receipt of the report from the Director, Education Department, Kokrajhar vide letter dated 28.05.2015 wherein it was stated that since the law does not permit to regularize an honorary teacher in provincialized school, the question of releasing of salary to an honorary teacher does not arise, therefore, the BTC, Education Department could not release the salary of the honorary teacher who is not a government servant and has not been regularized by the Competent Authority. The SPIO also stated that the status of information after filing of the RTI petition dated 09.07.2015 was the same.

The letter dated 09.01.2015 from the Director of Education, BTC, Kokrajhar to the Secretary Education Department, BTC enclosed with the written statement of the Deputy Secretary & SPIO, Secondary Education Department, Assam states that Sri Basanta Barman is a working honorary subject teacher of subject Logic and Philosophy at Barama Higher Secondary School since the year 2000 but he could not produce any appointment letter stated to has been issued by the school managing committee of the said school. Since, Sri Basanta Barman is not appointed by the Government in the vacant sanctioned post by adopting proper process of selection claim for release of salary does not arise. There is no budget provision as there is no sanctioned post of Logic and Philosophy in the said school for payment of salary.

Sri Basanta Barman, Honorary Teacher present today with the petitioner has stated that he has received the information as sought for, but he is not satisfied with the information furnished to him, as salary was not released to him even though he was working since 2000 as an honorary teacher.

The Commission observes that the Public Authority has furnished the information available and as such there remains no ground to furnish any further information. The RTI act does not give the Public Authority any obligation to answer queries which prefixes as to why, what and whether action has not been taken. The petitioner's right extends only to seeking information as defined under section 2 (f). As such, the petition dated 26.10.2015 is disposed of.

In course of the deliberation during the hearing of Second Appeal petition, the Commission observed that the honorary teacher was taking classes in Barama Higher Secondary School. It is not understood as to why the honorary teacher was allowed to render his service who is not entitled/eligible for salary. The Director, Secondary Education, Assam and the Principal Secretary to the Govt. of Assam, Education Department may look into the matter.

Sd/-  
Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Deputy Registrar  
Assam Information Commission

Memo No. SIC/BGS.02/2016/53 -A

Dtd. 30.05.2016

Copy to:

1. The SPIO, Office of the Commissioner & Secretary, Secondary Education Department, Dispur, Guwahati-781006 for information.
2. The SPIO, Office of the Principal Secretary to the Govt. of Assam, Guwahati for information.
3. The SPIO, Office of the Director of Secondary Education, Kahilipara, Guwahati for information.
4. The First Appellate Authority/Commissioner & Secretary, Secondary Education Department, Dispur, Guwahati-781006 for information.
5. Sri A.K. Rakshit, Vill- Barama, PO- Barama, Dist- Baksa, Assam, Pin- 781346 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Deputy Registrar  
Assam Information Commission