

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

Case No. : SIC/BPT.37/2016
Appellant : Md. Makbul Hussain Khan
Respondent : The SPIO, O/o the Director of Secondary Education, Assam
Date of hearing : 06.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
06.06.2016

Dr. Bhupen Talukdar, AES, SPIO/Jt. Director, Secondary Education, Assam is present.
A Written Statement dated 03.06.2016 received from him.

The Appellant present.

Heard the Appellant. He submitted that he was yet to receive the information he had sought for.

Perused the W/S. It has been submitted that the RTI Application had been transferred to the Inspector of Schools, Lakhimpur through a letter dated 05.12.2015. The SPIO also submitted that he was in the receipt of a copy of the letter dated 21.12.2015 written by the Headmaster to the Appellant asking for copy of the BPL card and also a copy of the letter dated 10.05.2016 of the said Headmaster to the Appellant informing him the period during which the concerned individual had served as an Arts Teacher in the school. It has been added, however that the said Headmaster also informed the Petitioner that the rest of the information such as Teacher's Attendance Register, Joining Report and Leave Records etc. would not be furnished to him under Second 8 (1) of the RTI Act, 2005.

There is no evidence of the First Appellate Authority having disposed of the First Appeal dated 05.12.2015.

In view of the above, the Commission could not understand as to why the said Headmaster delayed the matter of providing information by seeking photocopy of BPL card as the Applicant had paid the stipulated fee of Rs. 10/- with his Application and had not sought any concession as a BPL member.

The Commission is not in agreement with the view taken by the Headmaster that the information sought for relating to Attendance Register etc. could not be provided under Section 8 (1) of the Act, for the reason that the information is of public nature and is not something that would amount to invasion of privacy as provided for in the Act. The Commission therefore orders that the Headmaster of Rampur High School, North Lakhimpur shall provide the wanting information to the Appellant, free of cost, within 10 days of receipt of this order.

Further, as First Appellate Authority, the Director of Secondary Education, Assam shall consider and dispose of the First Appeal, with a speaking order, in accordance with the provisions in this behalf in the said Act, within 21 days of receipt of this order.

With this, the Second Appeal Petition is disposed of.

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

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/BPT.37/2016/ 15-A

Dtd. 06.06.2016

Copy to:

1. The SPIO, office of the Director of Secondary Education, Assam, Kahilipara, Guwahati, Pin- 781019 for information and necessary action.
2. The SPIO, office of the Inspector of Schools, Lakhimpur, Dist- Lakhimpur, Assam for information.
3. The SPIO/Headmaster, Rampur High School, P.O.- Dejoo, North Lakhimpur, Dist- Lakhimpur, Assam for information and necessary action.
4. The First Appellate Authority/ Director of Secondary Education, Assam, Kahilipara, Guwahati, Pin- 781019 for information and necessary action.
5. Md. Makbul Hussain Khan, Vill & P.O.- Balikuri, Dist- Barpeta, Assam, Pin-781319 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Deputy Registrar
Assam Information Commission