



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

Case No. : SIC/JRT.38/2016
Appellant : Dr. Ranjit Ranjan Saikia
Respondent : The SPIO/Principal, C.K.B. College, Teok, Jorhat
Date of hearing : 30.06.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
30.06.2016

The petitioner Dr. Ranjit Ranjan Saikia is present.

The Public Authority is represented by Sri Liaquat Ahmed, Principal i/c, C.K.B, College, Jorhat.

The Deputy Director cum SPIO, office of the Director, Higher Education, Assam has submitted a written statement dated 27.06.2016 that the First Appeal petition dated 30.03.2016 was received by the Directorate and she had issued a letter to the President, Governing Body, C.K.B College, Jorhat on 04.05.2016 requesting to take necessary action on the RTI petition dated 28.02.2016 within 7 days from the date of receipt of the letter.

The petitioner present stated that the Principal i/c and PIO, C.K.B. College, Jorhat had not furnished the documents sought for vide his RTI petition dated 28.02.2016. On his First Appeal petition before the Director, Higher Education, Assam, the President of the Governing Body, C.K.B College, Jorhat was directed to take necessary action within 7 days. The President, Governing Body vide letter dated 04.05.2016 directed the Principal i/c C.K.B College, Jorhat to furnish the information to the petitioner within the stipulated time with a copy marked to the petitioner. The petitioner submitted a reminder to the President, Governing Body on 12.05.2016 and the President, Governing Body vide letter dated 14.05.2016 informed the petitioner that the documents are in the custody of the Principal i/c and he has not submitted the documents to him till date. Hence, the petitioner filed a Second Appeal petition dated 16.05.2016 before the Commission.

Sri Liaquat Ahmed, the Principal i/c & PIO, C.K.B. College, Jorhat submitted a written statement dated 29.06.2016 that he had informed the petitioner that he was not competent to furnish the documents related to the procedure of selection of Regular Principal as the documents were sent to the DHE, Assam as per his directives. As such without any written permission from the Governing Body & clearance from the DHE, Assam it would not be possible to furnish the documents.

He stated that the Governing Body meeting held on 19.02.2016 could not come to a conclusion on the matter of selection of Regular Principal in the college and the DHE, Assam had instructed the President, Governing Body to submit all the relevant documents to their office and the President, Governing Body had handed over all the documents to the DHE, Assam vide letter dated 26.02.2016 and on receipt of First Appeal by the DHE, Assam on 30.03.2016, the Deputy Director cum SPIO, office of the DHE, Assam directed the President, Governing Body of the college to take necessary action within 7 days. He also stated that an emergent meeting of the Governing Body was held on 06.05.2016 and he was directed by the President of the Governing Body to hand over the documents sought for within the stipulated time. A pleader's notice was received by the President, Governing Body on 07.05.2016 which elucidated that the decision of the President, Governing Body dated 06.05.2016 was suo-moto opinion. He stated that on receipt of the pleader's notice as per discussion with the President, Governing body, he had personally visited the office of the DHE, Assam, wherein he was instructed verbally by the DHE, Assam that the matter should be communicated to the office of the Director, Higher Education, Assam by the President, Governing Body. The entire matter was informed to the President, Governing Body by the Principal i/c vide letter dated 13.05.2016 and thereafter he had no knowledge regarding the

stand of President, Governing Body. The Principal i/c & PIO has stated that he was ready to hand over the documents subject to the direction from the DHE, Assam as the entire matter was under consideration of the DHE, Assam.

In view of the facts and circumstances stated above, the Commission is of the view that the First Appeal petition dated 30.03.2016 filed by the petitioner before the DHE, Assam was not heard by the First Appellate Authority and the SPIO, office of the DHE, Assam directed the President, Governing Body to take necessary action on the RTI petition dated 28.02.2016 within 7 days.

The Commission therefore remands the First Appeal dated 30.03.2016 to the Director, Higher Education for hearing of the appeal petition and disposal of the same with a speaking order within 30 days from the date of receipt of this order.

With the above direction, the Second Appeal petition dated 16.05.2016 stands disposed.

Sd/-

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

Authenticated true copy

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/JRT.38/2016/ 50 -A

Dtd. 30.06.2016

Copy to:

1. The SPIO/Principal, C.K.B. College, Jorhat, PO- Jagduar, Teok, Jorhat, Assam, Pin-785112 for information.
2. The First Appellate Authority/Director, Higher Education, Assam, Kahilipara, Guwahati-19 for information and necessary action.
3. Dr. Ranjit Ranjan Saikia, Associate Professor, Department of History, C.K.B. College, Teok, PO- Jagduar, Dist- Jorhat, Assam, Pin-785112 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission