



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

Case No. : **KP(M) KP(M) 223/2014**

Complainant/ appellant : **Sri Mridul Saikia**

Respondent : **Secondary Education Department**

Date of hearing : **22-06-2016**

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

O R D E R

The petitioner Sri Mridul Saikia is present. The public authority is represented by Smti S.G. Kalita, ACS, Deputy Secretary and SPIO of Secondary Education Department, Assam.

The second appeal petition dated 25-2-2014 is taken up for hearing in presence of both the parties.

The Deputy Secretary and SPIO of Secondary Education Department had filed a written submission dated 21st June, 2016 which is entered into the case records. The petitioner Sri Mridul Saikia has also made a written submission dated 22-6-2016 which is also entered into the case records.

From perusal of the case records, it is seen that the petitioner Sri Mridul Saikia filed two RTI petitions both dated 3rd January, 2014, addressed to the SPIOs of the Secondary Education Department, Govt. of Assam and the other to the Minister, Education, Govt. of Assam, containing 4 and 6 points respectively. The RTI petition containing 6 points subsumes the 4 points raised in the other RTI petition. Therefore, the RTI petition dated 3rd January, 2014 containing 6 points is taken up for hearing.

From the case records, it is seen that the Deputy Secretary and SPIO of Secondary Education Department, Government of Assam, had replied to the RTI petitions vide letter dated 3rd February, 2014 furnishing the information available at that time. Action on all the 6 points were in process at that time and, therefore, no concrete and affirmative information could, perhaps, be given to the petitioner at that time.

With her written statement the Deputy Secretary has enclosed an order dated 17th June, 2014 passed by Sri R.C. Jain, Secretary to the Government of Assam, Education Department with a speaking order. It clearly explains the position with regard to all the 6 points raised by the petitioner in his RTI petition dated 3rd January, 2014. The petitioner deposed that for not getting specific information in response to his RTI petition he had to move Hon'ble Gauhati High Court and the Secretary, Secondary Education Department passed his speaking order dated 17th June, 2014 only after getting a direction of the Hon'ble Gauhati High Court. The petitioner's grievance now is that had he got a clear and specific

information which he sought for in time, he would not have had to take the trouble of moving the Hon'ble High Court.

In this context, the Commission observed that under the RTI Act, 2005 the public authority is not required to generate information that does not exist at the relevant point of time. The required information was generated, as it appears from the case records, after the Hon'ble High Court's order and the copy of the speaking order dated 17th June, 2014 has already been furnished to the petitioner.

In view of the above order, the second appeal petition dated 25-2-2014 is disposed of

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

Authenticated true copy.
Sd/-
Registrar
Assam Information Commission

Memo No.SIC/KP(M) 223/2014/17-A

Dtd. 22-6-2016

Copy to:

1. Smti S.G. Kalita, ACS, SPIO and Deputy Secretary to the Government of Assam, Secondary Education Department, Govt. of Assam, Dispur, Guwahati-6 for information
2. Sri Mridul Saikia, Petitioner, House No. 5, Sewali Path, Hengrabari, Ganeshguri, Guwahati-6 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission