

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

Case No. : OS/21/2016
Complainant/ Appellant : Shri Kambam Seityajit
Respondent : Board of Secondary Education, Assam
Date of hearing : 22.6.2016
Complaint/ Second : Shri Pinuel Basumatary, IA&AS (Retd)
Appeal heard by : State Information Commissioner, Assam

O R D E R

22.6.2016

The petitioner Shri Kambam Seityajit was present. The public Authority was represented by (1) Shri Bimal Ch. Medhi, SPIO, Board of Secondary Education, Assam, and (2) Shri Harinarayan Das, Academic Officer (Ex- SPIO), SEBA.

Heard the petitioner. He submitted that he has not received information on four out of the five items of information he had sought; and is interested in receiving all the information.

Perused the WS of the SPIO. It has been submitted that after receiving the RTI application on 17.1.2015 reply was sent to the applicant on 19.2.2015. A copy of the said reply is enclosed with the WS. In his WS the First Appellate Authority/Secretary, Board of Secondary Education, Assam submitted that after receiving the First Appeal on 21.2.2015, the Appellant was requested to attend hearing on 20.4.15, but he did not turn up.

Perused the case records. It is seen that the Appellant had been informed through the aforementioned letter dtd 19.2.15 that copies of the documents relating to the first four items in the RTI application were “not available” As regards the fifth item which was about pass certificate, the Appellant was informed that duplicate certificate could be issued only to the candidate by following procedure laid down by the Board. Hence, a copy of the document relating to item IV was subsequently provided.

It is seen that the Board is the author of the document for item II and III and was the addressee of the letter mentioned at I. The commission is of the view that the reply that the said documents were not available is not acceptable and that they have obviously been misplaced. As regards the pass certificate, the information pertains to third party and the same could be made available to an RTI applicant with the consent of the third party in accordance with the procedure laid down by the RTI Act, 2005, if the same is in public interest.

In view of the facts mentioned above, the Commission hereby orders the following:-

- (1) The SPIO shall cause the concerned custodians of the documents relating to item I & III of the RTI application to search them out systematically, and provide the same to the Appellant as soon as it is possible keeping the

provisions of the RTI Act, 2005 in view. Should the documents not be traceable the fact should be explained to the Appellant detailing the action taken to provide the information.

- (2) To facilitate furnishing of the duplicate copy of the pass certificate in respect of the particular candidate, the Appellant shall, at his discretion, write to the SPIO explaining as to why the third party information is required in public interest. This may be done within 10 days of receipt of this order. On receipt of the same the SPIO shall provide the information by following the procedure laid down in the said Act.
- (3) As the First Appeal dtd 12.12.15 is yet to be disposed of as mandated by the said Act, the First Appellate Authority/ Secretary, SEBA shall consider and dispose it of, with a speaking order within 30 days of receiving of this order. Further the FAA is directed to address the issue of non-availability of the aforementioned documents, and have the matter investigated to fix responsibility, if the documents are not traced out.

With this the Second Appeal petition is disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/ OS/21/2016/24-A

Dtd. 22.6.2016

- Copy to:
1. The Secretary & SPIO of the office of the Board of Secondary Education, Assam, Bamunimaidan, Guwahati-21 for information and necessary action.
 2. Shri Kabam Seityajit, Khurai Chingangbam Leikai, Tinsid Road, PO-Porompat, Imphal East District, Manipur-795 005 for information.
 3. Computer Section for uploading in the Website.
 4. Office File.
 5. Order Book.

Registrar
Assam Information Commission