

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

Case No. : KP(M).406/2016
Complainant/ Appellant : Syed Moinuddin Firoz Shah Ali
Respondent : Pollution Control Board, Assam
Date of hearing : 09.8.2016
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
09.8.2016

The petitioner Syed Moinuddin firoz Shah Ali is present. The public authority is represented by:- (1) Shri Mukunda Madhab Bora, Sr. Env. Engineer, Pollution Control Board, Assam and (2) Shri Sanjeeb Kr. Kakati, Asstt. Engineer, Pollution Control Board, Assam. The second appeal petition dtd 11.9.14 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner filed an RTI petition dtd 24.6.14 before the SPIO of Pollution Control Board, Assam seeking information against five points relating to an interview for the post of Assistant Manager (F&A) in the Pollution Control Board in the year 2014.

It is also seen that after not getting any response within the stipulated time period, the petitioner filed first appeal petition dtd 25.7.2014 before the Chairman of the Pollution Control Board. Thereafter the SPIO and Member Secretary of the Pollution Control Board furnished some information to the petitioner vide letter dtd 11.8.14. Not satisfied with the information received, the petitioner filed the second appeal petition before this Commission on 11.9.14 seeking direction to the SPIO of the Assam Pollution Control Board to correctly answer all the queries sought for and requested to take appropriate action against the concerned authority.

From perusal of the information sought for by the petitioner vide his RTI petition dtd 24.6.14 and the information furnished to him by the concerned SPIO vide letter dtd 11.8.14, it is seen that the information furnished was not at all satisfactory.

This Commission is of the view that except for copies of answer scripts of the written test of the candidates who were called for the interview other than the petitioner, which belongs to the third party category of information, all other information sought for are directly admissible under the RTI Act, 2005.

This Commission, therefore, directs the SPIO of the Pollution Control Board to furnish all the sought for information, except copy of answer scripts, to the petitioner within 15 days from the date of receipt of this order, if necessary by taking recourse to section 5(4) and section 5(5) of the RTI Act, 2005.

As regards copies of answer scripts of the written test, photocopy of the answer script of the petitioner, who was a candidate for the said recruitment written test shall be provided to the petitioner free of cost within 15 days and for the other three candidates who were called for interview, steps will be taken in pursuance of section 11 of the RTI Act, 2005 treating them as third party information.

With the above order, the second appeal petition dtd 11.9.14 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).406/2016/13-A

Dtd. 09.8.2016

Copy to:

1. The SPIO in the office of the Chairman, Pollution Control Board, Assam, Bamunimaidan, Guwahati-21 for information and necessary action.
2. Syed Moinuddin Firoz Shah Ali, House No. 19, Opp. Bageswari Than, Dispur, Guwahati-781 006 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar

Assam Information Commission