

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

Case No. : KP(M).195 /2014  
Complainant/ Appellant : Md. Matiur Rahman Mazumdar  
Respondent : Director of Secondary Education, Assam  
Date of hearing : 13.7.2016  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

13.7.2016

The petitioner Md. Motiur Rahman Mazumdar is absent without any information. The public authority is represented by (1) Ms. Bhabani Kalita, Asstt. Director & ASPIO of the Directorate of Secondary Education, Assam, and (2) Sri Girish Kalita, Jr. Assistant of the said Directorate. The second appeal petition dtd 1.3.14 is taken up for hearing ex-parte in absence of the petitioner.

From perusal of the case records it is seen that the petitioner Md. Matiur Rahman Mazumdar filed an RTI petition dtd 19.11.13 before the SPIO of the office of the Director of Secondary Education, Assam seeking information about actions taken on his complaint petition dtd 8.7.13 filed before the Director of Secondary Education, Assam relating to service matter and eligibility of one Md. Sayed Hussain Mazumdar, Asstt. Teacher (Science), in Chiporsangan Public High School, Hailakandi.

The SPIO and Joint Director of the Directorate of Secondary Education has submitted a written statement dtd 12.7.16 stating that the required information was already furnished to the petitioner vide Directorate's letter dtd 18.12.13 in response to his RTI petition dtd 19.11.13. In the written statement it is mentioned that the petitioner was also informed that the service of said Sayed Hussain Mazumdar was not provincialised due to court case. The SPIO has also enclosed with his WS a copy of Hon'ble Gauhati High Court's order dtd 16.8.13 to the effect that the benefit of provincialisation of service should not be granted to Md. Sayed Hussain Mazumdar until the next date. The ASPIO deposed that the service of Md. Sayed Hussain Mazumdar has not yet been provincialised in compliance with the above mentioned order of the Hon'ble Gauhati High Court.

The position, therefore, is that said Md. Sayed Hussain Mazumdar is not a provincialised teacher as he has not been appointed as such by the Directorate of Secondary Education. The information sought for by the petitioner appears to be third party information, which may or may not be available with the Directorate of Secondary Education, Govt. of Assam as the appointing authority. In absence of the petitioner it could not be ascertained whether he is still interested in getting the information sought for. If he is, he may then inform the Directorate of Secondary Education within 15 days from the date of receipt of this order and the SPIO of the

Directorate of Secondary Education is directed to proceed u/s 11 of the RTI Act, 2005 regarding third party information, if the Directorate is holding the information sought for, either fully or partly. If the Directorate is not holding the information then the petitioner may be informed accordingly within 30 days from the date of receipt of this order.

With the above order, the second appeal petition dtd 1.3.14 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).195/2014/11-A

Dtd. 13.7.2016

Copy to:

1. The Joint Director & SPIO of the office of the Director of Secondary Education, Govt. of Assam, Kahilipara, Guwahati-19 for information and necessary action.
2. Md. Matriur Rahman Mazumdar, C/o- Jayanta Khanikar, Sapta Swahid Path, House No. 39, Dispur, Guwahati-6 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar  
Assam Information Commission