

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

Case No. : KP(M).603/2009
Complainant/ Appellant : Md. Saad Uddin Ahmed
Respondent : Education (Elementary) Department, Govt. of Assam
Date of hearing : 07.9.2016
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

07.9.2016

The petitioner Md. Saad Uddin Ahmed is present. The public authority is represented by Smti. Rumi Choudhury, Dy. Director & SPIO of the Directorate of Elementary Education, Govt. of Assam. The complaint petition dated 28.7.11 followed by further complaint petition dated 20.2.12 are taken up for hearing in presence of both the parties. The petitioner Md. Saad Uddin Ahmed stated that he is still interested in getting information sought for vide his RTI petition dated 2.11.09 and made a written prayer to convert his complaint petition into second appeal petition u/s 19 of the RTI Act, 2005. His prayer is granted.

From perusal of his RTI petition dated 2.11.09 it is seen that he wanted to know the status of provincialisation of the services of teaching staff of Fakhruddin Memorial Girl's VLP School, Vill-Banugram, PO- Nilambazar Dist. Karimganj, Assam. The petitioner stated that the school was established in 1977 and there was a proposal for provincialisation in 1995. He has made a written statement dated 7.9.2016 enclosing certain correspondence between - (a) Education Department, Govt. of Assam (b) Directorate of Elementary Education, Govt. of Assam and (3) District Elementary Education Officer, Karimganj. His WS is entered into the case records.

The SPIO and the Dy. Director of Elementary Education has made a separate written statement dated 7.9.2016, gist of which is that - no records relating to the RTI petition are available with them.

This Commission directs its Registry to furnish copies of the following correspondence to the Branch Officer of the Development Branch of the Directorate of Elementary Education, Assam, who will be treated as the deemed PIO for this purpose u/s 5(5) of the RTI Act, 2005:-

- (1) UO No. A(I)E 456/95/7 dated 27.9.1995 from Deputy Secretary, Govt. of Assam, Education Deptt. addressed to the Director of Elementary Education, Assam, Guwhati-19,
- (2) UO No.I.Vol.4/93/26 dated 4th Dec, 1996 from the Director of Elementary Education, Assam addressed to the secretary to the Govt. of Assam, Education Department, Dispur, Guwahati-6,

- (3) Letter No. EVD.71/96/214 dated 3rd February, 1999 from the Director of Elementary Education, Assam addressed to the Secretary to the Govt. of Assam, Education Department, Dispur, Guwahati-6, and
- (4) Letter No. K-DEO/96-97/P-18/3054 dated 13th September, 1996 from District Elementary Education Officer, Karimganj addressed to the director of Elementary Education, Assam, Guwahati-19

The Branch Officer of the Directorate of Elementary Education is also directed to trace out the relevant old records regarding provincialisation of services of the teaching staff of Fakhruddin Memorial VLP School with the help of the documents as at 1, 2, 3 and 4 above and inform the petitioner about it within 30 days from the date of receipt of this order. If the relevant records are nonexistent, then the deemed PIO is directed to inform the petitioner about it and apprise him, about the present status or proposal, if any, for provincialisation of the Fakhruddin Memorial Girls' VLP School on the basis of current records, within 30 days from the date of receipt of this order.

With the above direction, the second appeal petition dated 28.7.11 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).603 /2009/51-A

Dtd. 07.9.2016

Copy to:

1. The Registrar, State Information Commission, Assam, Panjabari, Guwahati-37 for necessary action.
2. The SPIO & Deputy Director of the office of the Director, Elementary Education, Assam, Kahilipara, Guwahati-19 for information and necessary action.
3. The Branch Officer, Development Branch of the Directorate of Elementary Education, Assam, Kahilipara, Guwahati-19 for information and necessary action.
4. Md. Saad Uddin Ahmed, President, FM L.P. School, Vill-Banugram, PO- Nilambazar, Disitric- Karimganj, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar
Assam Information Commission