

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

Case No. : SIC/BPT.90/2016
Appellant : Shri Gunindra Das
Respondent : The SPIO, O/o the Higher Education Deptt., Government of Assam, Dispur, Guwahati
Date of hearing : 14.10.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

14.10.2016

The Appellant Shri Gunindra Das is present.

The SPIO, Shri Ranjit Hazarika, Additional Secretary, Higher Education Deptt, Government of Assam is present. A copy of a letter dated 05.10.2016, written by the SPIO, O/o the Director, Higher Education, Assam to the Applicant.

Heard the Appellant. He submitted that he has not received any response to his Application for information dated 10.05.2016.

Perused the Written Statement. It has been submitted that the enquiry on which information was sought could not be conducted owing to the matter being sub judice.

The SPIO confirmed that it has been learnt from the Directorate that the enquiry has not been conducted as submitted above.

Perused the case record. It is seen that Director of Higher Education had been directed by the Higher Education Deptt, Government of Assam through a letter dated 23.11.2015 as referred to by the Appellant, to inquire into the matter of a complaint about appointment of Principal of B H College and furnish the factual report within a month, and that the Directorate has not submitted the said report inspite of reminders from the Deptt.

Based on the submission and the documents available it is not clear as to why the inquiry could not be conducted merely because of the matter being sub judice. The Commission is of the view that as the information sought for by the Appellant could not be provided in over five months since the submission of the RTI Application, the matter of inquiry ought to be attended to by the Directorate and the said inquiry conducted if there is no conflict with the proceedings in the Honorable High Court and to provide a copy of the report to the Appellant on receipt thereof from the Directorate of Higher Education.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary

State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar

Assam State Information Commission

Memo No. SIC/BPT.90/2016/ 15-A

Dtd. 14.10.2016

Copy to:

1. The SPIO, O/o the Higher Education Deptt., Government of Assam, Dispur, Guwahati-781 006 for necessary action and information.
2. The First Appellate Authority/ Higher Education Deptt., Government of Assam, Dispur, Guwahati-781 006 for information.
3. The Appellant, Shri Gunindra Das, Milan Nagar, W/No. 8, PO- Simalaguri, Barpeta Road, Barpeta, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar

Assam State Information Commission