

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

Case No. : HLK.81/2010
Complainant/ appellant : Md. Baharul Islam Choudhury
Respondent : District Elementary Education Officer, Hailakandi
Date of hearing : 15.10.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
15.10.2016

The petitioner Md. Baharul Islam Choudhury is present. The public authority is represented by Shri Dhrubajyoti Hatibaruah, ACS, Assistant Commissioner, incharge DEEO, Hailakandi. The complaint petition dated 3.5.14 and subsequent petitions dated 31.10.15 and 30.4.16 are taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner Baharul Islam Choudhury filed an RTI petition dated 7.6.10 before the District Elementary Education Officer, Hailakandi seeking the following informations:-

- (1)How many steel Almirahs have been sanctioned for the Upper Primary Schools of Hailakandi district?
- (2)Names and addresses of the schools who received the steel almirah;
- (3)Copy of the receipts given by the Head Masters of the concerned school in acknowledgment of receipt of the steel almirah.

After first appeal petition dated 15.7.10, the petitioner approached this Commission with a complaint petition dated 15.8.10 as he did not get any information from the DEEO, Hailakandi till then. This Commission forwarded the first appeal and complaint petitions from the petitioner to the DEEO, Hailakandi for disposal. Apparently there was no action by the DEEO and on receipt of further complaints to that effect from the petitioner, this Commission imposed a penalty of Rs. 25,000.00 on the DEEO, Hailakandi vide letter dated 17.11.11. It appears from the case records that the penalty was imposed on the DEEO, Hailakandi without giving him a reasonable opportunity of being heard before imposing the penalty. This Commission's letter No. SIC/HLK.81/2010/21 dated 17.11.11 addressed to the DEEO, Hailakandi is therefore, treated as inconsistent with the relevant provisions of the RTI Act, 2005 and hence it is withdrawn so far as imposition of the penalty is concerned.

However, by the same letter dated 17.11.11 the public authority was also directed to furnish the required information to the petitioner within 10 days from the date of receipt of the above mentioned communication. From subsequent prayers dated 26.2.14, 22.10.14, 3.5.14, 31.10.15 and 30.4.16 of the petitioner and his oral deposition, it transpires that the DEEO, Hailakandi is yet to furnish the required information to the petitioner. The present DEEO, Hailakandi, Shri Dhrubajyoti Hatibaruah, ACS is holding the post in substantive capacity as DEEO, Hailakandi

since 1.9.2016. He submitted orally that before coming to appear before this Commission, he searched for the relevant records related to the RTI petition dated 7.6.2010 submitted by Md. Baharul Islam Choudhury, but the relevant record could not be found.

The petitioner produced a copy of the letter No. EE(Plan).123/2007/Pt./192 dated 1.7.09 from Shri S.C. Sarma, Director of Elementary Education, Assam addressed to the Managing Director of ASIDC Ltd. with copy to all DEEOs, DI of Schools and BEEOs of Assam. It is mentioned in that letter and in the attached terms and conditions that steel almirahs were supplied to Upper Primary Schools under the award of the 12th Finance Commission during 2007-08 through Assam Small Industries Development Corporation Ltd. The detailed lists of schools are also mentioned to have been enclosed with the above mentioned letter. It is also seen that ASIDC Ltd. was asked to supply steel almirah to the concerned BEEOs at the Block level and that the money receipts were to be sent to the Director of Elementary Education, Assam after being countersigned by the concerned DEEOs.

From the above, it appears that information sought for by the petitioner should be available with the office of the DEEO, Hailakand. If it cannot be readily traced out in his office, the DEEO can collect the information from the BEEOs under his jurisdiction. Another alternative is to obtain information from the ASIDC Ltd. through whom the above mentioned scheme under the award of 12th Finance Commission was implemented.

This Commission, therefore, directs the DEEO, Hailakandi to retrieve the above mentioned information and furnish the same to the petitioner within 45 days from the date of receipt of this letter.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/ HLK.81/2010/79-A

Dtd. 15.10.2016

Copy to: 1. The District Elementary Education Officer, Hailakandi District, Assam for
2. Md. Baharul Islam Choudhur, Vill- Bashdohar-I, PO- Kuchilabazar, Dist. Hailakandi, Assam for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book

Registrar
Assam Information Commission