

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

Case No. : SIC/JRT.12/2014
Complainant : Shri Rajiv Kr. Dutta.
Respondent : The SPIO, office of the Commissioner & Secretary,
Govt. of Assam, Education Department.
Date of hearing : 10.11.2016
Complaint heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R

10.11.2016

The Public Authority is represented by Smt. Sweety Gogoi Kalita, Deputy Secretary and SPIO, Education Department.

The Petitioner Shri Rajiv Kr. Dutta is absent, but Sri Debabrata Benarjee, Advocate, his authorized representative is present. He stated that a non-compliance Petition dated 16.07.2016 was submitted to the Commission on the ground that the order of the Commission dtd.18.04.2016 directing the Public Authority to file an Additional Affidavit may not have been complied with. He requested the Commission to take up the matter and pass further necessary order.

On perusal of the order dated 18.04.2016, it is seen that the Commission had closed the matter of furnishing the required information by the SPIO to the Petitioner. The Commission had also directed the SPIO to submit Additional Written Statement within seven days from the date of order and confirm whether she had received copies of the Second Appeal Petition and RTI petition along with the order dated 15.03.2014, or whether she received the original RTI Petition from the Directorate of Secondary Education by way of transfer.

The SPIO present stated that the order of the Commission in Appeal Case No. JRT.12/14 was received on 25.04.2016 and accordingly Additional Written Statement was submitted within 7 days from the date of receipt of the order, i.e. even before the filing of the non-compliance Petition dated 16.07.2016. She also stated in the Additional Written Statement was filed on 02.05.2016 that the RTI Petition was not received from the Directorate of Secondary Education by way of transfer till date. She stated that she had received the copy of the RTI Petition dated 30.11.2013 and copy of the Second Appeal dated 12.04.2014 along with copy of the Commission's order dated 15.03.2014. She also stated that the reason due to which no reply to the RTI Petition could be furnished had already been submitted to the Commission vide letter dated 25.04.2014, in compliance to the order passed by the Commission on 15.03.2014 and stated that she has no malafide intention of not furnishing the information.

In view of the facts and circumstances stated above, it appears that Public Authority has submitted the Additional Written Statement as directed by the Commission vide order dated 18.04.2016 stating the reasons for delay in furnishing the information to the petitioner. Vide the same order; the matter of furnishing the required information by the SPIO to the Petitioner was already closed and hence the Petitioner has no pending issues in this regard. The Commission therefore is of the view that the order dated 18.04.2016 had been complied with. As such the Petition of non compliance dated 16.07.2016 is disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/ JRT.12/2014/

Dtd. 10.11.2016

Copy to:

1. Smt. Sweety Gogoi Kality, Deputy Secretary and SPIO, Secondary Education Department, Dispur, Guwahati for information.
2. Sri Rajiv Kr. Dutta, Changeli, P.O. – Changeligaon, Jorhat-705 010 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Deputy Registrar

Assam Information Commission