



RIGHT TO  
INFORMATION



OFFICE OF THE

## ASSAM STATE INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : BNG.17/2016  
Complainant/ Appellant : Sri Debdut Nath  
Respondent : Directorate of Elementary Education Deptt.  
Date of Hearing : 16-12-2016  
Complaint/ Second appeal heard by : Shri H. S. Das, IAS (Retd)  
State Chief Information Commissioner, Assam

### O R D E R

The petitioner Sri Debdut Nath is present. The public authority is represented by Smti Rumi Choudhury, SPIO and Deputy Director, Elementary Education, Govt. of Assam, accompanied by Smti Meghali Baruah, Statistical Assistant of the Directorate to assist her. The First appellate authority, Elementary Education Department, Govt. of Assam was also required to be present, vide this Commission's Notice dated 26<sup>th</sup> October, 2016 to apprise this Commission about the steps he/she took to dispose of the first appeal petition within the stipulated time, either by a written submission or personal attendance or by deputing his authorized representative on the date of hearing.

The First Appellate Authority is absent without any information. The Joint Secretary and SPIO of Elementary Education Department has authorized Sri Nitul Barman, Sr. Administrative Assistant of the Department to attend the hearing in the Commission today on behalf of the SPIO. **The authorization is superfluous as the attendance of the SPIO of Elementary Education Department was not required vide this Commission's Notice dated 26<sup>th</sup> October, 2016.**

Commissioner & Secretary and the First Appellate Authority of the Elementary Education Department, Govt. of Assam and the SPIO of Elementary Education Department are hereby advised to be careful in dealing with RTI matters in future. They are directed to refer to Section 19(8)(a) of the RTI Act, 2005 for their future guidance. The attendance of Sri Nitul Barman who was asked to attend by the Joint Secretary and SPIO of Elementary Education Department, and not by the FAA, appears to be without authorization of the competent authority i.e., the FAA. Hence Sri Nitul Barman's attendance is dispensed with. **In any case, this Commission expects personal appearance before it at the official level, and not at assistant level, except for the purpose of rendering assistance to the officers present.**

The second appeal petition dated 2-1-2016 was taken up for hearing in presence of the petitioner and the SPIO and Deputy Director, Elementary Education, Govt. of Assam.

The SPIO and Deputy Director, Elementary Education has submitted a written submission dated 8<sup>th</sup> December, 2016 which is entered into the case records. The SPIO has mentioned in her written submission that after collecting the required information from the 'Appointment-A' branch of the Directorate, the required information

was furnished to the petitioner vide letter dated EAA/RTI/100/15 dated 19-12-2015. The above-mentioned communication enclosed copy of Directorate of Elementary Education's letter No. EHA.132/2013/123 dated 14<sup>th</sup> December, 2015 which mentions, inter alia, that Hon'ble Gauhati High Court vide an order in WP(C) No. 2346/2008 dated 8-5-2013 directed the Elementary Education Department to ensure that the services of the private respondents including the petitioner Sri Debdut Nath are discontinued. The petitioner stated that he is in receipt of the above information along with the copy of Hon'ble Gauhati High Court's order, although he is not satisfied with the same. He wants a specific response to his RTI petition dated 19-6-2015 by which he wanted to know the progress report of his earlier application dated 31-7-2013 which he filed before the Commissioner and Secretary, Elementary Education Department, Govt. of Assam, and the tentative date by which the said application will be disposed of.

The written submission dated 15<sup>th</sup> December, 2016 sent by the Joint Secretary and SPIO of the Directorate of Elementary Education Deptt. mentions that the RTI application was transferred to the Directorate of Elementary Education who had already furnished the required information to the petitioner. The Joint Secretary's letter dated 15<sup>th</sup> December, 2016 as well as the Deputy Director, Elementary Education's letter dated 19<sup>th</sup> December, 2015 addressed to the petitioner does not specifically mention about the petitioner's earlier prayer dated 31-7-2013.

This Commission, therefore, directs the SPIO and Deputy Director, Elementary Education to specifically inform the petitioner whether her letter dated 19<sup>th</sup> December, 2015 is with reference to the petitioner's RTI petition dated 19-6-2015 read with his earlier prayer dated 31-7-2013 addressed to the Commissioner & Secretary, Elementary Education Department. And if so, whether the informations already furnished to the petitioner also amounts to disposal of his prayer dated 31-7-2013 or whether there is any further information yet to be furnished in addition to what has already been furnished. If any further information is yet to be furnished with reference to the prayer dated 31-7-2013, and the same is admissible under the RTI Act, 2005, then the same shall be furnished to the petitioner within 30 days from the date of receipt of this order.

In discharging this responsibility, if the SPIO of the Director of Elementary Education requires the help and assistance of the FAA and or the SPIO and or any other official of Elementary Education Department, then she may seek such assistance under Section 5(4) of the RTI Act and such other official whose assistance has been sought shall be treated as deemed SPIOs and they will also be liable for, if need be, any penal action as prescribed under Section 20 of the RTI Act, 2005.

Since the petitioner did not enclose a copy of letter dated 31-7-2013 along with his second appeal petition, this Commission could not go any further into the matter.

With the above order the second appeal petition dated 2-1-2016 is disposed of.

**Sd/-**

**(H. S. Das)**  
**State Chief Information Commissioner,**  
**Assam**

**Authenticated true copy**

**Sd/-  
Registrar  
Assam Information Commission**

**Memo No SIC/ BNG.17/20126/ 115 -A**

**Dated 16-12-2016**

**Copy to:**

- 1) Commissioner & Secretary and the First Appellate Authority of the Elementary Education Department, Govt. of Assam\_for information and necessary action as ordered above.
- 2) Joint Secretary and SPIO of Elementary Education Department, Dispur, Guwahati-16 for information and further guidance in dealing with RTI matters..
- 3) Director, Elementary Education, Kahilipara, Guwahati-19 for information.
- 4) Sri Debdut Nath, Vivekananda Vidyapath, M.E.School, New Bongaigaon , Dist-Bongaigaon for information.
- 5) Computer Section for uploading in the Website.
- 6) Office file.
- 7) Order Book.

**Registrar  
Assam Information Commission.**