

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

Case No. : SIC/DHR.94/2016
Appellant : Md. Nur Mostafa Anchary
Respondent : The SPIO, O/o the Block Elementary Education Officer,
Golakganj Dev. Block, Dhubri
Date of hearing : 17.01.2017
Second Appeal Heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
17.01.2017

The SPIO as well as the Appellant absent. No representative of the First Appellate Authority/District Elementary Education Officer, Dhubri is present too. However, Written Statements have been received from the DEEO, Dhubri dated 13.01.2017 and Block Elementary Education Officer, Golakganj Dev. Block dated 04.01.2017.

Perused the Written Statements. It is seen that the Gaikhowa Kutu M.E. School is a venture school although it has received Government aid. Through his Written Statement the BEEO has indicated that the then Headmaster of the said school, namely Shri Ashab Ali Sarkar to whom the RTI Application had been transferred and who was directed to furnish the information did not comply and retired in February 2015 without handing over the relevant records to his successors.

As the school on which information is sought for is a venture one, the Headmaster of the said school does not constitute a public authority as defined by the RTI Act, 2005 and it is not obligatory for him to furnish the information sought directly for under the said Act. However, the concerned BEEO i.e., the BEEO, Golakganj Dev. Block to whom the RTI Application had been transferred by the DEEO, Dhubri is duty bound under the said Act to furnish such information sought for by the RTI Applicant as he can access from that school under any law, rules or regulations. The Commission therefore hereby orders that the said BEEO shall obtain such information from the said school and furnish the same to the Appellant within 15 days of receipt of this order.

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/DHR.94/2016

Dtd. 17.01.2017

Copy to:

1. The SPIO, O/o the Block Elementary Education Officer, Golakganj Dev. Block, Dhubri for information and necessary action.
2. The First Appellate Authority/ District Elementary Education Officer, Dhubri for information and necessary action.
3. The Appellant, Md. Nur Mostafa Anchary, President, Gaikhowa Kutu M.E. School, S/o-Lt. Abdul Jalil Sk, Vill- West Gaikhowa Pt. II, PO- Dimakuri, PS- Golakganj, Dhubri- 783 334, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission