

Case No. : **KP(M).439/2016**
Complainant/ Appellant : **Sri Niloy Dhar Sharma**
Respondent : **Gauhati High Court.**
Date of Hearing : **30-1-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Niloy Dhar Sharma is present. The public authority is represented by :- (1) Sri Balindra Nath Sarma, Senior Government Advocate, (2) Sri Kamal Nayak, Govt. Advocate and (3) Sri Harish Das, Superintendent, office of the Sr. Government Advocate.

The second appeal petition dated 4-7-2016 is taken up for further hearing in pursuance of this Commission's earlier order dated 27-12-2016 and with reference to the petitioner's RTI petition dated 23-12-2015.

The learned Sr. Government Advocate , Assam, Gauhati High Court submitted that the petitioner was already furnished a copy of the Notice dated 8-1-2015 containing the names of three candidates securing 1st , 2nd and 3rd positions in order of merit for the post of Jr. Administrative Assistant , as per recommendation of the Selection Committee. The petitioner also admitted that he has received a copy of the Notice. However, he wanted to know why there was a deviation from the requirement of Section 7(1)(g) of the Assam FRBM Act, 2005 which stipulates that the number of candidates in the select list should not be more than the number of posts advertised.

The learned Sr. Government Advocate submitted that the Selection Committee recommended the names of three candidates so that if the candidate getting the first offer does not join, then the next candidate can be offered appointment and so forth. He further submitted that there was only one post and. non-acceptance of the offer of appointment by the first candidate in order of merit would have necessitated re-advertisement of the post and consequent additional cost and delay in filling up the vacant post which in turn would have affected smooth functioning of the Govt.

However, taking into account the information that the petitioner had sought for, this Commission directs the learned Sr. Government Advocate, Assam , Gauhati High Court to furnish a copy of the minutes of the Selection Committee which recommended the names of three candidates against a single post within 15 days from the date of this order.

With the above order the second appeal petition dated 4-7-2016 is disposed of.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

**Sd/-
Registrar
Assam Information Commission**

Memo No SIC/ KP(M).439/2016 /31 -A

Dated 30-1-2017

Copy to:.

- 1) SPIO of the office of the Senior Government Advocate, Gauhati High Court, Guwahati-1 for information.
- 2) Sri Niloy Dhar Sharma, S/O Bhudhar Sharma, R/O Sukreswar, Panbazar, M.G Road, Guwahati-1 for information.
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

**Registrar
Assam Information Commission**