

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

Case No. : KP(M).111/2017
Complainant/ Appellant : Shri Utpal Das
Respondent : Director of Elementary Education, Govt. of Assam
Date of hearing : 06.04.2017
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

06.04.17

The petitioner Shri Utpal Das is present. The public authority is represented by Smti. Rumi Choudhury, Deputy Director of Elementary Education & SPIO accompanied by Shri Girindra Haloi, Jr. Assistant of the Directorate. The second appeal petition dated 17.3.17 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that vide his RTI petition dated 26.8.16 filed before the PIO of the Directorate of Elementary Education, the petitioner sought the name, address and designation of the question paper setter for the examination of Junior Field Level Assistant held in 2015. Advertisement for which was published in the Assam Tribune on 29.11.14. This was followed by his first appeal petition dated 4.10.16 filed before the Director of Elementary Education and then the instant second appeal petition dated 17.3.17 on the ground that the information has not been furnished to him till date.

The SPIO of the Directorate of Elementary Education has submitted a written statement dated 6th April, 2017 stating, inter alia, that the petitioner was informed vide a letter dated 5th April, 2017 from the Deputy Director, Elementary Education, i.e. yesterday, that the sought for information cannot be provided as it is exempted u/s 8(e) of the RTI Act, 2005. The SPIO has enclosed the said letter with her written statement. This Commission accepts the ground for non-disclosure of the information as such informations are held by the public authority in their fiduciary capacity. However, this Commission would like to put on record that this intimation could have been furnished to the petitioner within the stipulated time frame after receipt of the RTI petition dated 26.8.16, condoning the delay of 7 months that has taken place.

With the above observation, the second appeal petition dated 17.3.17 is disposed of.

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

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/KP(M).111/2017/

Dtd. 06.04.2017

Copy to:

1. The Deputy Director & SPIO of the Directorate of Elementary Education, Govt. of Assam, Kahilipara, Guwahati-19 for information.
2. Shri Utpal Das, House No. 41, Rong Pathar Bye Lance, Fatashil Ambari, Guwahati-25 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission