

**Case No.** : **KP(M).183/2017**  
**Complainant/ Appellant** : **Srimati Mitalee Choudhary**  
**Respondent** : **Gauhati Medical College, Guwahati**  
**Date of Hearing** : **08-6-2017**  
**Complaint/ Second** : **Shri H. S. Das, IAS (Retd)**  
**appeal heard by** : **State Chief Information Commissioner, Assam**

**O R D E R**  
**08-6-2017**

1. The petitioner/ appellant Smti Mitalee Choudhary herself is absent,  
however, she has authorized Sri Pradip Deka to represent her before this Commission today. The public authority is represented by:- Sri Sunil Daimari, SPIO and Office Superintendent of Gauhati Medical College and Hospital, Guwahati.
2. The complaint petition dated 28-4-2017 is taken up for hearing in  
presence of both the parties. The authorized representative of the complainant made a written submission stating that the petitioner is still interested in getting the information she sought for and therefore, on her behalf he prayed for diversion of the complaint petition dated 28-4-2017 into a second appeal petition.
3. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 24-1-2017 before the SPIO of GMCH. The Superintendent of GMCH vide letter dated 20-4-2017 informed the petitioner Smti Mitalee Choudhary that a Court case No. WP(C) 1690/2016 in the matter of selection of Optometrist in Gauhati Medical College and Hospital is sub-judice before the Hon'ble Gauhati High Court, because of which no information could be furnished.
4. This Commission pointed out to the SPIO of GMCH that the list of informations under the provisions of Section 8 and 9 of the RTI Act, 2005 does not include matters which are *sub-judice*. Therefore, his grounds for rejection for non-furnishing of the information to the petitioner does not appear to be tenable.
5. The Superintendent and appellate authority of GMCH has sent a written submission dated 8-2-2017 which is also entered into the case records, wherein he has admitted the mistake in not furnishing the information to the petitioner as a result of the misunderstanding . He has regretted for this lapse and stated that the sought for informations have in the meanwhile been furnished to the petitioner vide letter No.

MCH/10/2010/77 dated 31-5-2017. The authorized representative of the petitioner admitted receipt of the information furnished by the above-mentioned letter. She was, however, not satisfied with the information furnished and pointed out that the information furnished **were not specific and to the point**. She submitted a copy of the advertisement – Janasanjog /8677/15 and a statement showing the informations which have not been furnished clearly. The advertisement as well as the statement are entered into the case records.

6. As regards point No.-1 of the RTI petition the SPIO submitted that other than what was mentioned in the advertisement, no other criteria or experience were formulated against the post of Optometrist. The discretion was left to the Selection Committee. **The Commission directs the SPIO to officially inform the petitioner accordingly.**

7. As regards point No.-2 of the RTI petition the petitioner submitted that he will be satisfied if he is furnished with a copy of the minutes of the Selection Committee together with the marks awarded to the candidates who appeared for the interview for the post of Optometrist. This Commission directs **the SPIO of GMCH to furnish a copy of the minutes of the Selection Committee for the post of Optometrist together with the marks secured against different components by each candidate who appeared for the post of Optometrist.**

8. As regards point No.-3 the fact that the decision not to hold the written test because the number of candidates were only 16 was taken with the approval of the then Joint Secretary to the Government of Assam, Health and Family Welfare Department and also the Administrative Officer of GMCH, the petitioner still wants to know whether this decision and approval of Joint Secretary and Administrative Officer is backed by any Rule. The SPIO is directed **to inform the petitioner in the 'affirmative' or in the 'negative'. If the answer is in the 'affirmative' then to cite the Rule and quote it.**

9. As regards point No.-4 the petitioner pointed out that the SPIO in his reply has mentioned Health Department's letter No.HLB.522/2009/184 dated 9-9-2015 which refers to Finance Department's O.M No. FSI.5/2005/VOL-VI/76 dated 30<sup>th</sup> March, 2017. The petitioner wants a copy of the above O.M of Finance Department. **The SPIO of GMCH is directed to furnish a copy of the same to the petitioner.**

10. The above orders shall be complied with by the SPIO within 30 days from the date of receipt of this order.

Sd/

(H. S. Das)

State Chief Information Commissioner,  
Assam

Authenticated true copy

Sd/

Registrar  
Assam Information Commission

**Copy to:-**

- 1) Sri Sunil Daimari, SPIO and Office Superintendent of Gauhati Medical College and Hospital, Guwahati- 5 for information and necessary action, as ordered above..
- 2) Smti Mitalee Choudhary ,D/O Mr. Nripendra Kr. Choudhary ,C/O Sri Ramhari Deka, House No-33, Near Briddha Ashram, Pathar Quarry, Udayanvihar, Guwahati-787171 for information.
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

**Registrar  
Assam Information Commission.**