



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

Case No. : SIC/DHR.85/2016
Appellant : Md. Sobor Ali
Respondent : The SPIO/ Headmaster, Bahadurkati M.V. School,
Dhubri
Date of hearing : 11.07.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
11.07.2017

The Appellant, Md. Sobor Ali is present. He submitted a Written Statement.

The SPIO/Headmaster, Bahadurkati M.V. School, Dhubri absent without information. The First Appellate Authority/Block Elementary Education Officer, Bilasipara, Dhubri absent. However, he has sent a Written Statement dated 09.06.2017.

Perused the case record. It is seen that the Second Appeal dated 03.08.2016 had been heard on 22.03.2017. The SPIO, O/o the BEEO, Bilasipara, Dhubri had submitted through a Written Statement that the RTI Application dated 23.02.2016 had been transferred to the concerned school, namely, Bahadurkati M.V. School, Dhubri with the direction to supply the information directly to the Appellant. The Headmaster of the said school had also been directed to attend the said hearing. However, the Headmaster was absent. The Commission passed an order to the effect that the said Headmaster shall be present in today's hearing with all relevant records and submit a Written Statement on the action taken to furnish the information, and if the information had not been furnished in time, he should explain as to whether penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information within the stipulated time. It was also ordered that if the information sought for would be furnished and received by the Applicant to his satisfaction, before today's hearing, the Headmaster need not be present in the hearing and instead inform the Commission in writing on or before the date of hearing so that the matter could be closed.

Heard the Appellant and perused his Written Statement. It was submitted that the said Headmaster has not complied with the said order of the Commission.

Perused the Written Statement of the BEEO. After the RTI Application was transferred to the said Headmaster, he has been reminded several times to furnish the information including direction to attend the Commission's hearing.

From the facts brought out above, it is evident that the said Headmaster has not taken necessary action as mandated by the RTI Act, 2005. Further, he has not complied with the direction from the BEEO and the Commission. He is not present in today's hearing, has not submitted any Written Statement on the action taken by him, if any, and has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information within the time stipulated. The Commission had given an opportunity to the Headmaster to represent his case by being present in today's hearing. He has not availed of that opportunity. The Commission therefore hereby orders as follows –

- (i) The SPIO/Headmaster, Bahadurkati M.V. School, Dhubri shall furnish the information to the Appellant, free of cost, within 10 days of receipt of this order, and
- (ii) The SPIO/Headmaster, Bahadurkati M.V. School, Dhubri is given further opportunity to explain as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information within the time stipulated.

Should the Headmaster fail to take necessary action in this regard, and the Appellant complain about non-compliance of this order by him (Headmaster), the Commission might make a decision regarding imposition of penalty on him (Headmaster) without giving him any further opportunity of hearing in person.

With this order, the Second Appeal is hereby disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam State Information Commission

Memo No. SIC/DHR.85/2016/

Dtd. 11.07.2017

Copy to:

1. The SPIO/Headmaster, Bahadurkati M.V. School, Dhubri, Assam for information and necessary action.
2. The First Appellate Authority/Block Elementary Education Officer, Bilasipara, PO- Bilasipara, Dist- Dhubri, Assam, Pin- 783 348 for information.
3. The Appellant, Md. Sobor Ali, S/o- Modhu Sk, Vill- Boyzeralga, Pt.- III, PO- Nayer Alga, Dhubri, Assam, Pin- 783 348 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission