



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

Case No. : KP(M). 554/2017
 Complainant/ Appellant : Shri Utpal Das
 Respondent : Gauhati University, Jalukbari, Guwahati
 Date of hearing : 25.08.2017
 Complaint/ Second : Shri H. S. Das, IAS (Rtd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R

25.08.17

The petitioner Shri Utpal Das is absent. He has sent a written submission dated 17.8.17, which is entered in to the case records. The public authority is represented by (1) Shri Khagen Ch. Deka, Asstt. Registrar, Gauhati University (GU) and (2) Shri Angshuman Saikia, MTA attached to the PIO, GU. The second appeal petition dated 10.7.17 is taken up for further consideration in pursuance of this Commission's earlier order dated 1.8.17 ex- parte in absence of the petitioner.

The Deputy Registrar and SPIO of Gauhati University has sent a copy of the letter dated 14.8.17 addressed to the Principal NEF Law College, Guwahati transferring the RTI petition dated 13.4.17 for furnishing information against point no. 1 directly to the petitioner in compliance with this Commission's order dated 1.8.17. The petitioner was already furnished informations in respect of point nos. 2, 3 and 4. Now, only the point no. 5 remains to be resolved.

In a written statement dated 17.8.17 the petitioner stated that in his application for the post of Professor, Law Shri Subhram Rajkhowa mentioned 51.5 % as the marks secured by him in the LLM examination, although the actual marks secured by him was 510 out of 1000, that is 51%. The petitioner has enclosed a copy of the relevant mark sheet along with his written submission. The Asstt. Registrar of GU Shri Khagen Ch. Deka made a separate written submission stating that the marks sheet of Shri Subhram Rajkhowa in the LLM final examination with aggregate score of 51%, a copy of which was submitted by the petitioner, is genuine.

In his W/S dated 17-8-2017 the petitioner Sri Utpal Das, hinted that at the time of his appointment as Lecturer and promotion from Reader to Professor Shri Subhram Rajkhowa might have suppressed the marks actually secured by him in LLM examination and that the cut-off mark was higher than the marks secured by Shri Rajkhowa. It has also been mentioned that several complaints and allegations were filed against Shri Subhram Rajkhowa and that show cause notices were served on him by the concerned authorities. The Assistant Registrar of Gauhati University Shri Khagen Ch. Das mentioned that there have been allegations and counter allegations between

Shri Subhram Rajkhowa and some other faculty members of the Law faculty of Gauhati University and that the matter is now under investigation.

In view of the above, it is considered necessary to first ascertain whether the informations sought for by point No. 5 of the RTI petition belongs to the category of third party personal informations, and if so, whether a public interest that may be involved outweighs any possible harm or injury that may be caused to Shri Subhram Rajkhowa. The SPIO of Gauhati University is therefore directed to ascertain the factual position from the concerned authorities of Gauhati University and apprise this Commission on the next date of hearing about :-

- (a) List of documents including copy of the bio-data/Curriculum Vitae submitted by Shri Subhram Rajkhowa at the time of appointment as Lecturer and promotion from Reader to Professor.
- (b) Complaints and allegations against Shri Subhram Rajkhowa, if any,
- (c) Copy of the show cause notice, if any, served on Shri Subhram Rajkhowa,
- (d) Whether any investigation has been ordered against Shri Subhram Rajkhowa by the competent authorities and if so the progress and outcome thereof,
and
- (e) Whether disclosure of the informations sought for by the petitioner will impede the on-going investigation, if any.

Fix 1.00 P.M on 3-10-2017 for next hearing.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M). 554/2017/

Dtd. 25.08.2017

Copy to:

- 1. The Deputy Registrar & SPIO of Gauhati University, Gopinath Nagar, Jalukbari, Guwahati-781 014 for information and necessary action.
- 2. Shri Utpal Das, House No. 41, Rang Pathar Bye Lane, Fatashil Ambari, Guwahati-25 for information.
- 3. Computer Section for uploading in the Website.
- 4. Office File.
- 5. Order Book.

Registrar
Assam Information Commission