

Case No. : SIC/ NLB.18/2018  
Appellant : Sri Chandmahammad Pradhani  
Respondent : The SPIO, Office of the Warden Kasturba Gandhi Balika  
Bidyalaya, Barkhetri, Kaldi, Dist. Nalbari, Assam  
Date of hearing : 21-05-2018  
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)  
State Information Commissioner, Assam

**O R D E R****21-05-2018**

The petitioner Sri Chandmahammad Pradhani is present. The public authority to be represented by the SPIO, Warden Kasturba Gandhi Bidyalaya, Barkhetri and the 1<sup>st</sup> Appellate authority, BEEO, Barkhetri Education Block are absent without any intimation. The 2<sup>nd</sup> Appeal petition dt. 12-4-2018 is taken up for consideration.

The petitioner in his 2<sup>nd</sup> Appeal stated that the public authority vide letter dt. 11-12-2017 directed him to deposit an amount of Rs. 1500/- for providing document sought for by him, but he was furnished part of the information involving an expenditure of Rs. 350/- and the balance amount was returned.

The petitioner orally submitted that the Warden Kasturba Gandhi Bidyalaya had furnished the information sought for by him and vide letter dt. 28-7-2017 had informed him that information relating to Point No. 2, 4, 6, 7 & 10 were available with the O/O the Block Elementary Education Officer, the BEEO, Barkhetri may be contacted for obtaining the documents sought for by him. He furnished a copy letter dt. 28-8-2017 sent to him by the Warden. He admitted that he had not communicated with the office of the BEEO, Barkhetri, even though he was informed that the RTI petition was transferred to the BEEO, Barkhetri.

The Commission observes that since he was informed vide letter dt. 28-7-2017 to collect the balance information from the office of the BEEO, Barkhetri, he should have sought for the information from the BEEO, Barkhetri. Instead of taking up the matter with the BEEO, Barkhetri, he filed the 2<sup>nd</sup> Appeal petition before the Commission on 12-4-2018 after 7 months of receipt of reply from Warden. As per Sec. 19(1) of the RTI Act, 2005 the Appeal has to be preferred within 90 days from the date of receipt of reply. In the instant Case the reply was furnished on 28-8-2017 and the Appeal was filed after 210 days without mentioning any cause of delay for filing the Appeal petition after due time.

The 2<sup>nd</sup> Appeal petition dt. 12-4-2018 filed by the petitioner Sri Chandmahammad Pradhani is without any merit and hence rejected.

Sd/-

(NiluferAlamHazarika, IAS(Retd.))

State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar

Assam State Information Commission

**Memo No. SIC/ NLB.18/2018/11**

**Dtd. 21-05-2018.**

**Copy to:**

1. The SPIO, Office of the Warden Kasturba Gandhi Balika Bidyalaya, Barkhetri, Kaldi, Dist. Nalbari, Assam, Pin – 781338 for information and necessary action.
2. The First Appellate Authority, BEEO, Barkhetri Education Block, Barkhetri, Mukalmua, Dist. Nalbari, Assam, Pin – 781126 for information and necessary action.
3. The petitioner Sri Chandmahammad Pradhani, S/O Sri Sirajul Haque, Vill. & P.O. Banpur, P.S. Mukalmua, Dist. Nalbari, Assam, Pin – 781138, M/No. 7663047717 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam State Information Commission

