



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/NLB.7/2017
Complainant : Md. Sabed Ali
Respondent : The SPIO, O/o the Block Elementary Education Officer,
Barkhetri Education Block, Narayanpur, Mukalmua, Dist-
Nalbari, Assam

Date of hearing : 21.11.2018
Complaint heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
21.11.2018

Sri Dilip Kumar Bhattacharjya, Block Elementary Education Officer, Barkhetri, Mukalmua and Md. Baharul Islam, Head Teacher, Bhelakhaiti New L.P. School, Nalbari are present. A Written Statement dated 19.11.2018 submitted by the BEEO.

The Appellant, Md. Sabed Ali is present.

Heard the Appellant. He submitted that as stated in his Complaint dated 26.05.2017 and 06.09.2018 he had not received the information he had sought for inspite of the order dated 30.03.2017.

Perused the Written Statement and heard the BEEO and Head Teacher of the school. The Head Teacher of the school reiterated the submission he had made before the Commission in the hearing on 30.03.2017 that he had not received the documents/records from his predecessor. The BEEO submitted that as ordered by the Commission after the hearing on 30.03.2017 to investigate the matter of the current Head Teacher not having received the relevant records, he ascertained the facts and found that the submissions made by the Head Teacher was correct and that it was Sri Abdul Matleb, Assistant Teacher of Paschim Kazeswar ME Madrassa who was the Member Secretary of the construction committee of new school building of Bhelakhaiti (EGS) LP School as appointed the DEEO, Nalbari and was responsible for furnishing the information. It has been submitted that the Assistant Teacher has not complied with the direction given him several times by the BEEO personally. Besides, the BEEO, Barkhetri had issued instructions to Sri Matleb through a letter dated 23.08.2018 to furnish the information directly to the Appellant. It was added that he had also instructed Sri Matleb to be present in today's hearing and his deemed SPIO.

Further, the BEEO submitted that he was not the custodian of the records relating to the construction of school building.

In view of the facts brought out above, it appears that it is Sri Abdul Matleb the then Member Secretary of the construction committee of school building in respect of which the Appellant had sought information, and he has neglected to discharge his responsibility of furnishing the information. His failure to provide the information sought for inspite of passage of over two years from the time of the RTI Application dated 31.08.2016 as received by the Head Teacher of the school, and the subsequent order of this Commission dated 30.03.2017 and the instruction by the BEEO, Barkhetri, the Commission considered it fit for invocation of the penal provisions of the RTI Act, 2005 on the said Assistant Teacher being the deemed SPIO in this case. However, considering the submissions by the BEEO that he would once again try to persuade him to furnish the information sought for, the Commission decided to give another opportunity to the erring official.

In view of the facts brought out above, Sri Abdul Matleb, Assistant Teacher of Paschim Kazeswar ME Madrassa is hereby provided another opportunity to furnish the information through the Head Teacher of Bhelakhaity New LP School within 15 days of receipt of this order. It is further ordered that the BEEO, Barkhetri shall monitor the compliance of this order by the said person and should the latter fail to comply with this order he shall recommend disciplinary proceedings against the Head Teacher to the appropriate disciplinary authority.

The Complaint had already been disposed of by the Commission through the said order dated 30.03.2017. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/NLB.7/2017

Dtd.21.11.2018

Copy to:

1. The Director of Elementary Education, Assam, Kahilipara, Guwahati- 19 for information and necessary action.
2. The Block Elementary Education Officer, Barkhetri Education Block, Narayanpur, Mukalmua, Dist- Nalbari, Assam, Pin- 781 126 for information and necessary action.
3. Sri Abdul Matleb, Assistant Teacher, Pascim Kazeswar ME Madrassa C/o- Head Teacher, Bhelakhaity New L.P. School, Nalbari for information and necessary action.
4. The SPIO, O/o the Block Elementary Education Officer, Barkhetri Education Block, Narayanpur, Mukalmua, Dist- Nalbari, Assam, Pin- 781 126 for information and necessary action.
5. The First Appellate Authority/District Elementary Education Officer, Nalbari, Dist- Nalbari, Assam, Pin- 781 335 for information.
6. The Appellant, Md. Sabed Ali, S/o- Kalimuddin, Vill- Sabhamari, PO- Bartala, PS- Mukalmua, Dist- Nalbari, Assam, Pin- 781 138 for information.
7. Computer Section for uploading in the Website.
8. Office File.

Registrar i/c
Assam Information Commission