



सत्यमेव जयते

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/DHR.25/2018
Appellant : Md. Saman Ali Sk
Respondent : The SPIO, O/o the Inspector of Schools, DDC, Dhubri, Assam
Date of hearing : 16.11.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

16.11.2018

The Petitioner, Md. Saman Ali Sk is present.

The SPIO absent. However, a Written Statement has been received from the Inspector of Schools, DDC, Dhubri dated 12.11.2018.

A Written Statement dated 12.11.2018 has also been received from the Addl. Deputy Commissioner and SPIO, office of the Deputy Commissioner, Dhubri.

Heard the Appellant. He submitted that as he had stated in his Second Appeal dated 22.11.2017 he was not satisfied with the response given him by the Principal of Bilasipara H.S. Public School dated 18.11.2017 as the same did not contain the information he had sought for.

The Appellant further submitted that the SPIO of the office of the Inspector of Schools, Dhubri shirked his responsibility by transferring his RTI Application instead of furnishing the same. He therefore pleaded for invoking penal provisions of the said Act and impose the maximum penalty for the delay in furnishing the information and recommend disciplinary action against the SPIO.

Perused the Written Statements. On receipt of the RTI Application dated 18.09.2017, the SPIO of the DC's office transferred the same to the Inspector of Schools, DDC, Dhubri U/S 6 (3) of the RTI Act, 2005. The First Appeal dated 31.10.2017 was also likewise transferred to the said Inspector of Schools. On his turn, the Inspector of Schools transferred the Application to the Principal of the concerned school, namely, Bilasipara H.S. Public School on 20.10.2017.

Perusal of the RTI Application and the response given by the said Principal indicates that information sought for related to selection of candidates for appointment of LDAs in the said school and an inquiry conducted by the SDO (C) Bilasipara into a Complaint on the matter, and also as an appointing authority for LDAs. The Inspector of Schools, Dhubri ought to be the holder of the information sought for. Accordingly, the SPIO, office of the Inspector of Schools, Dhubri would be the appropriate authority to provide the information and not the Principal of the school. For this reason it was inappropriate for the Inspector of Schools to

transfer the RTI Application to the said Principal. Understandably, the Principal could not provide most of the information sought for by the Appellant.

Considering the submission by the Appellant, and the facts of the case made on record, the Commission agrees that the office of the inspector of Schools, Dhubri made an error in transferring the RTI Application to the Principal of the school instead of providing the same. However, the Commission considered it sit that the SPIO, office of the Inspector of Schools should be given an opportunity to provide the information before the issue of the imposition of penalty etc. is taken up for consideration.

In view of the facts brought out above, the Commission hereby orders that the SPIO, office of the Inspector of Schools, DDC, Dhubri shall furnish the complete information sought for by the Appellant, free of cost, within 10 days of receipt of this order. The issue of invocation of the penal provisions of the Act shall be taken up if any Complaint of non-compliance with this order by the SPIO is received from the Appellant.

The SPIO shall meanwhile submit to the Commission in writing his name and designation indicating the date of his taking over the responsibility and his predecessor, if any, since the month of October, 2017 for record in the Commission.

The Second Appeal case is hereby disposed of. However, the Appellant is 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/DHR.25 /2018

Dtd.16.11.2018

Copy to:

1. The SPIO, O/o the Inspector of Schools, DDC, Dhubri, Assam for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Dhubri, Assam for information.
3. The Appellant, Md. Saman Ali Sk, S/o- Kachimuddin Sk, Krishna Nagar, Ward No. 14, Bilasipara Town, PO & PS- Bilasipara, Dist.- Dhubri, Pin- 783 348, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar i/c
Assam Information Commission