

Case No. : SIC/CCR. 2/2018
Appellant : Sri Mihresh Das
Respondent : The SPIO, Office of the Deputy Commissioner, Cachar, P.O.
Silchar, Dist. Cachar, Assam
Date of hearing : 07-12-2018
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam

O R D E R
07-12-2018

The petitioner Sri Mihresh Das has informed that he will not be able to attend the hearing due to his family problems and has requested to dispose of the case in his absence. The public authority to be represented by the PIO, Silchar Collegiate School Cachar is absent.

On perusal of records it appears that Deputy Commissioner, Cachar vide order dt. 7th September, 2017 had directed the petitioner to submit his RTI petition to the PIO of the concerned Collegiate School, Silchar for obtaining the required information under the RTI Act and also to file 1st Appeal petition to the appropriate 1st Appellate Authority of the School concerned. Accordingly the petitioner filed his 1st Appeal before the Headmaster cum Secretary and 1st Appellate Authority on 21st September, 2017 referring to the decision of the Central Information Commission's decision in File No. CIC AD/2013/000658/5 A that private Schools are no longer outside RTI Act, as they collect public money and also related to public interest and so comes under the purview of the RTI Act, 2005. Moreover, Silchar Collegiate School comes under 'Assam Non Government Education Institution (Regulations and Management) Act, 2006 and as such it comes under purview of RTI Act. He therefore requested the Headmaster to furnish the information sought for by him.

Due to non-receipt of information from the PIO of the Silchar Collegiate School and the 1st Appellate Authority, the Headmaster and Secretary of the Collegiate School, Silchar, he submitted his 2nd Appeal petition before the Commission on 25th November, 2017 requesting to direct the PIO, Silchar Collegiate School to furnish the information and documents under the RTI Act, 2005.

On perusal of record it is seen that the Commission issued notice to the SPIO, O/o the Deputy Commissioner, Cachar and the 1st Appellate Authority, Deputy Commissioner, Cachar. No notice had been issued to the PIO, Silchar Collegiate School or the Headmaster cum Secretary and the 1st Appellate Authority, Silchar Collegiate School.

The Commission therefore directs the diarist to issue notice to the PIO, Silchar Collegiate School to furnish the information sought for by the petitioner within 21 days from the date of receipt of this order. If for any reason the public authority is unable to furnish the information, he will make a written submission to the Commission stating reasons thereof within 21 days from the date of receipt of this order.

With the above direction the 2nd Appeal petition dt. 25-11-2017 is disposed of.

Sd/-

(Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy
Sd/-
Joint Registrar
Assam State Information Commission

Memo No. SIC/CCR. 2/2018

Dtd. 07-12-2018

Copy to:

1. The SPIO, Office of the Deputy Commissioner, Cachar, P.O. Silchar, Dist. Cachar, Assam for information and necessary action.
2. The First Appellate Authority, Office of the Deputy Commissioner, Cachar, P.O. Silchar, Dist. Cachar, Assam, Pin-788001 for information and necessary action.
3. The SPIO, O/o the Headmaster & Secretary of the Collegiate School, Silchar for information and necessary action as ordered.
4. The First Appellate Authority, The Headmaster and Secretary of the Collegiate School, Silchar for information and necessary action.
5. The Petitioner, Sri Mihir Das, H/No. 23, W/No. 2, Krishnanagar Road, Malugram, P.O. Silhar, Dist. Cachar, Assam, Pin – 788002 for information and necessary action.
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar,
Assam State Information Commission