



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/BPT.49 /2018
Appellant : Sri Mahendra Nath Goswami
Respondent : The SPIO, O/o the Director of Secondary Education,
Kahilipara, Assam, Guwahati- 19
Date of hearing : 19.12.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
19.12.2018

The Appellant, Sri Mahendra Nath Goswami is present.

The SPIO is absent without information.

According to the records of the Commission, the notice dated 26.11.2018 was indeed delivered by a messenger to the SPIO on 28.11.2018, being located in Guwahati.

As the Appellant had filed the Second Appeal on the ground of not receiving the information within the stipulated period and the Appellant is present, the Commission decided to go ahead with the hearing proceedings *ex parte*.

Perused the materials on record. The Appellant had made his Second Appeal stating that he had not received the two information he had sought for namely, (i) copies of documents on the basis of which the Department appointed Sri Manoranjan Talukdar as the Headmaster of Hathinapur Vidyamandir High School following a verdict of the Hon'ble High Court, and copies of orders, guidelines etc. that deals with the educational qualifications for the post of Headmaster in a school.

Heard the Appellant. He submitted that he had not received any further communication subsequent to submitting his Second Appeal. He added that he suspected irregularities in the appointment of the person concerned as Headmaster of the said school. Furthermore, he added that he had not received any decision on his First Appeal by the First Appellate Authority/Director of Secondary Education, Assam.

The Commission notes with displeasure that although he/she is based in Guwahati and has received the notice for today's hearing the SPIO is absent without information. He/she has not submitted any Written Statement and also has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him/her for his/her failure to furnish the information within the time stipulated.

In view of the facts brought out above, **the Commission hereby orders that the SPIO shall furnish the information to the Appellant, free of cost, within 15 days of receiving this order.**

The Second Appeal is hereby disposed of. However, should a Complaint of non-compliance is received from the Appellant, the same will be re-opened and the issue of invoking penal provisions of the RTI Act, 2005 on the SPIO including imposition of penalty shall be considered.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/BPT.49 /2018

Dtd.19.12.2018

Copy to:

1. The SPIO, O/o the Director of Secondary Education, Assam, Kahilipara, Guwahati- 19 for information and necessary action.
2. The First Appellate Authority/office of the Director of Secondary Education, Assam, Kahilipara, Guwahati- 19 for information.
3. The Appellant, Sri Mahendra Nath Goswami, Vill & PO- Bangaon, Dist.- Barpeta, Assam, Pin- 781 325 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission