



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).142 /2018
Complainant/ appellant : Shri Swarup Jyoti Bordoloi
Respondent : SPIO of Gauhati University, Guwahati-14
Date of hearing : 11.03.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

11.03.2019

1. The appellant Shri Swarup Jyoti Bordoloi is represented by his learned advocate, Shri Jadu Mani Gogoi. The appellant Shri Swarup Jyoti Bordoloi has submitted a written statement also, which was dated 11.3.2019. The public authority, i.e. Gauhati University is represented by Deputy Registrar and PIO Dr. Prasanta Barman of Gauhati University (GU) accompanied by Shri Tridip Kalita, attached to the PIO. The PIO and Deputy Registrar of GU also sent a written statement dated 5.3.2019 with copy to the appellant.
2. With his WS dated 5.3.2019 the Deputy Registrar and PIO of GU filed some supporting documents as attachment. It has been stated that in compliance of this Commission's order dated 28.5.2018, a copy of the report of the Inquiry Committee has already been furnished to the petitioner on 15.6.2018.
3. It has also been stated in the above mentioned WS that the legal opinion of the Standing Counsel and opinion of the concerned Supervisor Professor were also received and placed before the Inquiry Committee. The Committee submitted its report on 26.12.2018, which was placed before the Executive Council of GU on 20.2.2019. It has been mentioned in the WS that resolution of the Executive council is awaited.
4. The appellant in his WS dated 11.3.2019 has expressed concern about the delay in taking a decision by the Gauhati University authorities on the two allegedly plagiarized Ph.D. thesis. The appellant's learned advocate submitted that the competent authority of GU should not make any further delay in taking a definite decision on the report of the Inquiry Committee read with the legal opinion of the University's standing counsel and the opinion of the Supervisor. The learned advocate requested for a direction from this Commission to the GU authorities for an early decision in the matter. Because, any delay may amount to giving undue advantage to the two Ph. D. degree holders, if their Ph.D. degrees are found liable to be withdrawn on grounds of plagiarism.
5. This Commission is of the view that on a matter like this, there should be no further delay in arriving at a decision by the competent authority of the GU. However, while this Commission can direct to furnish information that has already been generated and exists, it may be beyond its competence to direct the GU authorities to create and furnish informations which have not yet been generated because necessary decision in

that regard is yet to be taken. It is, however, noted that the PIO of GU has mentioned in his WS dated 5.3.2019 that the present status of the matter has already been brought to the notice of the Governor of Assam, who is the ex-officio Chancellor of the GU. This Commission does not appear to have any cause of action at this stage. Hence the second appeal petition is disposed of.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).142/2018/

Dated. 11.03.2019

Copy to: 1. The Secretary to the Governor of Assam, Raj Bhawan, Guwahati-1 for information.
2. The Deputy Registrar and PIO of Gauhati University, Gopinath Bordoloi Nagar, Guwahati-14 for information.
3. Shri Swarup Jyoti Bordoloi, House No. 8, Konwachal, PO- Silpukhuri, Guwahati-3 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

Registrar i/c
Assam Information Commission