

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

Case No. : MRN. 11/2018
Complainant/ appellant : Shri Utpal Saikia
Respondent : SPIO of the office of the Directorate of Higher Education,
Govt. of Assam
Date of hearing : 22.5.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
22.5.2019

1. The appellant Shri Utpal Saikia is present. The public authority to be represented by the SPIO of the Directorate of Higher Education is absent. However, she has sent a written communication dated 22.5.2019 stating that she is unable to attend today's hearing on medical ground. She also sent separate statement dated 22nd May, 2019 through two Assistants of her office, namely Sri Nanda Ram Das, RTI Assistant and Sri Rantu Baishya, Dealing Assistant of the concerned matter. The WS, along with the enclosures, is entered into the case records.
2. It is seen from the case records that the appellant Shri Utpal Saikia submitted an RTI petition dated 26.09.2018 seeking five sets of information relating to provincialisation of post of college teacher, scrutinized by the State Level Scrutiny Committee. Not getting any response to his RTI petition the petitioner followed it up by a first appeal petition dated 30.10.2018 and a second appeal petition dated 10.12.2018.
3. In her WS the SPIO of Directorate of Higher Education (DHE) enclosed a copy of letter dated 3rd April, 2019 written by the SPIO and addressed to the petitioner informing him in reply to his RTI petition that the State Level Scrutiny Committee has examined the eligibility of teachers/tutors as per provisions of the Act in force. This Commission is of the view that reply given by the SPIO of the DHE to the petitioner is not specific to the five information points mentioned by the petitioner in his RTI petition dated 26.09.2018. It is also observed that the reference mentioned in the letter dated 3rd April, 2019 are two separate RTI petitions dated 23.05.2018 and 15.02.2019. Therefore, it appears that the SPIO has mixed up the RTI petitions and her WS dated 22nd May, 2019, does not seem to be relevant to the instant second appeal case.
4. The petitioner produced before this Commission copy of another letter dated 7th December, 2018 from the SPIO addressed to the petitioner Shri Utpal Saikia informing him, in reply to his RTI petition dated 26.09.2019, that the provincialisation of services of eligible employees under the provisions of the provincialisation Act is in process and under the examination of the Committees constituted by the Government for the purpose. This reply also does not specifically address the informations sought for by the petitioner.

5. The appellant referred to Janasanjog advertisement No. 2241/17, in para 6 of which it was mentioned that the Director of Higher Education, Assam thereafter will proceed to submit proposal for creation of posts for provincialisation of the services of the eligible teacher/tutor within 10.9.2017, to the Government in Higher Education Department. He also produced before this Commission a copy of letter dated 10th May, 2018 from the Inspector of Schools, MDC Morigaon addressed to the Director of Higher Education submitting college-wise format of the District Scrutiny Committee of Morigaon district. The appellant further submitted that he has been working as an ad hoc Lecturer in Mayong Anchalik College since the year 2010 without the financial benefits of a sanctioned post. He was in receipt of fixed monthly remuneration of Rs. 2500.00, which was raised to Rs. 10,000.00 at present. He submitted that the main purpose behind his RTI petition is to know how soon the concerned competent authority of the State Government will take necessary decision for provincialisation of Assistant Professors/Tutors' post and appoint the eligible candidates like him against such sanctioned post.

6. The two Office Assistants of DHE who were present today submitted orally that all the informations sought for by the petitioner by his RTI petition dated 26.09.2018 are available in a file which was sent to the Government i.e. Higher Education Department. This Commission in appreciation of the public interest involved in the matter, and taking into account the delay that has already taken place in furnishing the sought for informations to the petitioner, directs the SPIO of the Directorate of Higher Education to recall the file from the Higher Education Department and furnish the sought for informations to the petitioner, as admissible under the RTI Act, 2005, within 20 days from the date of this order, which was pronounced before the DHE representatives. If any of the sought for informations cannot be furnished under any of the exempted clauses u/s 8 of the RTI Act, 2005 then the SPIO is directed to inform the petitioner accordingly by specifying the exemption clause.

Fix 12.30 PM on 19.6.2019 for review of compliance.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/ MRN. 11/2018/

Dated. 22.5.2019

Copy to: 1. The SPIO of the Directorate of Higher Education, Kahilipara, Guwahati-19 for information and necessary action.
2. Shri Utpal Saikia, Vill- Sativeti, PO- Rajamayong, Dist. Morigaon, Assam, PIN- 782411 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book

Registrar i/c
Assam Information Commission