

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

Case No. : DHR. 50/2016
Complainant/ appellant : Shri Saman Ali Sk.
Respondent : SPIO/ office of the Headmaster, Udmari High School
Date of hearing : 11.6.2019
Complaint/ Second : Smti. N. A., IAS (Retd)
Appeal heard by : State Information Commissioner, Assam

O R D E R
11.6.2019

1. The petitioner Shri Saman Ali Sk is present. The public authority to be represented by the SPIO of the office of the Headmaster, Udmari High School is absent without any intimation. It is seen that the notice was sent to the Inspector of Schools, DDC, Dhubri for serving notice to the SPIO of the office of the Headmaster, Udmari High School and submission of service report to the Commission before the date of hearing. The service report is not available on records. The petitioner present stated that the Assistant of Udmari High School informed him over telephone that the Headmaster of Udmari High School was absconding as a police case was registered against him on charges of corruption.

2. On perusal of records it is seen that the petitioner Shri Saman Ali Sk had filed a writ petition before the Hon'ble Gauhati High Court and the Hon'ble High Court vide order dated 29.4.2016 observed that the RTI petition filed on 4.11.2015 before the Inspector of Schools, DDC, Dhubri was forwarded to the Headmaster of Udmari High School on 9.11.2015. But since the requisite information was not furnished the applicant gave a complaint on 2.3.2016 to the State Information Commissioner, but even then he had not been furnished the required information. The Hon'ble High Court issued notice to the respondent No. 1, 2, 3, and 4. It is also seen that the Hon'ble High Court vide order dated 23.1.2019 observed that none of the respondents responded to the writ petition and hence by applying the doctrine of non-traverse, the statement made in the writ petition is deemed to be accepted by all the respondents. Accordingly the State Chief Information Commissioner was directed to treat this writ petition as a supplementary appeal by the petitioner in continuation to his appeal filed on 2.3.2016 directing the said authority to register appeal and pass appropriate orders thereon in accordance with law. Accordingly the petitioner furnished a certified copy of the order before the Commission on 10.4.2019.

3. On perusal of relevant records it is seen that separate file no. SIC/HC.11/2016 was opened on 6.7.2016 on receipt of the Hon'ble High Court's order dated 13.6.2016 passed in WP© No. 3515/2016 and on perusal of note sheet page 2 it appears that a copy of the Case No. WP©.2481/2016 was referred to and the diarist was directed to collect copy of the order vide order dated 20.7.2016. The Superintendent i/c of the

Commission Shri P.C. Deka was authorized to collect copy of the writ petition. Thereafter a copy of the writ petition no. 2481/2016 was collected and placed in file no. SIC/DHR.50/2016, wherein it was recorded that we may process for disposal of the same early. Thereafter the matter remained to be attended to and was put up only on receipt of the Hon'ble High Court's order dated 23.1.2019.

4. In view of the circumstances stated above and direction of the Hon'ble High Court to treat the writ petition as a supplementary appeal by the petitioner in continuation to his appeal filed on 2.3.2016. The SPIO of the office of the Inspector of Schools, DDC, Dhubri is directed to ensure that the Headmaster of the Udmari High School under his jurisdiction furnishes the information sought for by the petitioner within 21 days from the date of receipt of this order. If for any reason, he is unable to furnish the information as stated above, he will inform the Commission in writing the reasons thereof within 21 days from the date of receipt of this order.

5. **Fix 12.00 noon on 22nd July, 2019 for review of action taken.**

(N. A. Hazarika)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Joint Registrar
Assam Information Commission

Memo No. SIC/ DHR.50/2016/

Dated. 11.6.2019

Copy to: 1. The SPIO of the office of the Inspector of Schools, DDC, Dist. Dhubri, Assam for information and necessary action.
2. The SPIO of the office of the Headmaster, Udmari High School, C/o Inspector of Schools, Dhubri, Assam for information and necessary action.
3. The FAA/Director, Secondary Education, Assam, Kahilipara, Guwahati-19 for information and necessary action.
4. Shri Saman Ali Sk, Vill- Krishnanagar, PO- Bilasipara, Dist. Dhubri, Assam, PIN- 783348 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book

Joint Registrar
Assam Information Commission