



**OFFICE OF THE
ASSAM INFORMATIONS COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No : BNG.9/2019
Complainant/ Appellant : Sri Rajib Ahmed.
Respondent : SPIO of the Rajib Gandhi Memorial College.
Date of hearing : 27.8..2019
Complaint/ Second : Shri H.S. Das. IAS (Retd)
Appeal heard by Chief Information Commissioner, Assam

O R D E R

27.8.2019

1. The appellant Sri Rajib Ahmed is absent without any information. The public authority, i.e. Rajib Gandhi Memorial College is represented by its i/c Principal, Dr. Reela Sarma. The second appeal petition dated 21.2.2019 is taken up for consideration ex-parte in the absence of the petitioner.
2. The gist of the case is that the appellant filed an RTI petition dated 1.11.2018 before the Principal of Rajib Gandhi Memorial College, P.O- Lengtisinga, Dist- Bongaigaon followed up by first appeal petition dated 3.1.2019. Thereafter, he received a letter dated 7.2.2019 from the Principal of the College in reply to his RTI application. Not satisfied with the informations furnished by the Principal of the college the RTI applicant filed his second appeal petition dated 21.2.2019. The appellant has mentioned in his second appeal petition that the informations furnished by the Principal of the College are misleading, confusing and evasive.
3. In course of today's hearing, the Principal of the College submitted that the Rajib Gandhi Memorial College is a provincialised college, that is, some posts of the college have been provincialised by the State Government. That being the case, the college becomes a public authority under the RTI Act, 2005.
4. The SPIO/ Principal of the College is, therefore, directed to furnish the following informations to the petitioner:-
 - (i) Copy of Government order relating to provincialisation of posts both teaching and non-teaching, of the college. If it is not available in the official records of the college, as orally submitted by the Principal before this Commission, the Principal is then directed to collect the same from the concerned Government authorities and furnish it to the RTI applicant within 60 days from the date of this order which was pronounced in her presence.
 - (ii) List of employees, both teaching and non- teaching and both provincialised or non-provincialised, within 15 days from the date of receipt of this order.
 - (iii) The Principal has already informed the petitioner vide point No. (c) of her letter dated 7.2.2019 stating that she has no such information. The Principal submitted that if the RTI applicant has any specific information/ complaint against any provincialised employee in this regard, he may inform the Principal accordingly for taking necessary action.

- (iv) Photo copies of Joining Reports of the Provincialised employees of the College within 15 days from the date of receipt of this order.
- (v) The Principal has already informed the petitioner vide point No. (e) of her letter dated 7.2.2019 that she is not the competent authority to answer the query. However, the Principal is directed to forward this part of the RTI petition to the SPIO of Directorate of Higher Education for furnishing necessary informations to the petitioner as per procedure under section 6(3) of the RTI Act, 2005.

5. It also transpired in course of today's hearing that the Principal of the College herself is in charge of duties both as SPIO and First Appellate Authority. The Principal of the College is, therefore, directed under section 19(8)(a)(ii) of the RTI Act to designate a sufficiently responsible personnel, either teaching or non-teaching, as the State Public Information Officer, so that she can perform the role of First Appellate Authority without any conflict of interest.

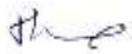
6. With the above order, the second appeal petition dated 21.2.2019 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioners, Assam
Panjabari, Guwahati

Authenticated true copy.



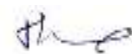
Registrar i/c
Assam Information Commission

Memo No. SIC/ BNG.9/2019

Dated. 27.8.2019

Copy to:

1. The SPIO of the office of Rajib Gandhi Memorial College, Lengtisinga, P.O- Lengtisinga, Dist- Bongaigaon, PIN-783384, Assam for information and necessary action.
2. The Petitioner, Sri Rajib Ahmed, President, Tapattari Social Development Organization, R/O- Abhayapuri Town, W/No-IV(Nayapara) P.O & PS- Abhayapuri, Dist- Bongaigaon for information.
3. Computer Section for uploading in the Website.
4. Office File
5. Order Book



Registrar i/c
Assam Information commission