

OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/DHR 55/2019
Complainant/ Appellant : Shaheb Ali Khan
Respondent : SPIO of the Office of Controller of
Examination, Gauhati University, Jalukbari, Ghy-14
Date of Hearing : 5-10-2020
Complaint/ Second : Dr. A.P.Rout, IPS(Retd)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R

5-10-2020

1. The petitioner Saheb Ali Khan is absent.
2. The Public Authority is represented by Sri Apurba Kr. Das, a Superintendent without any authorization from Controller of Examination & SPIO of Gauhati University, Jalukbari.
3. The deputation of Sri Apurba Kr. Das, Superintendent without any valid authorization is against the norms of the Commission.
4. The Superintendent, though appeared is not conversant with the case.
5. The PIO has submitted a written statement dated 1.10.2020 which is taken into records. In the written statement the PIO has mentioned that the application dated 25.7.2019 of the applicant is not received which is factually incorrect as postal receipt enclosed by the petitioner shows delivery of the petition.
6. The PIO should have checked the records before making his W.S. which is untrue
7. Copy of the postal receipt as enclosed by the petitioner is handed over to the Superintendent for information of SPIO.
8. The SPIO in his written statement has enclosed copy of a resolution of Gauhati University on the procedure to be adopted in obtaining copy of the answer scripts.
9. The RTI Act, 2005 is a sunshine Act enacted in pursuance to the Article 19 of the Constitution of India which is a fundamental right of the citizens of the country. The RTI Act 2005 contains clear provision (Sec 22) by virtue of which it overrides other Acts including Official Secrecy Act. It is ridiculous that SPIO is enclosing a resolution of Gauhati University in his written statement.
10. In view of the above, the Commission directs the SPIO to submit a written affidavit in person on his failure to furnish the information at the next hearing.
11. Fix another date of hearing.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Copy to:

1. Dr. Dhrubojyoti Choudhury, SPIO of the Office of the Controller of Examination, Gauhati University, Jalukbari, Ghy-14 for information.
2. The petitioner, Shaheb Ali Khan, S/O-Md.Bokkar Khan, Vill.- Majerchar, P.S & Dist.-Dhubri, Assam for information.
3. Computer section for uploading in the website
4. Office File
5. Order Book

Registrar i/c
Assam Information Commission