



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/NGN.147/2019
 Complainant : Sri Jiban Ch. Saikia
 Respondent : The SPIO, O/o the Dist. Elementary Education Officer, Jorhat
 Date of hearing : 11.02.2021
 Complaint heard by : Sri Kanak Ch. Sarma
 State Information Commissioner, Assam

O R D E R

11.02.2021

The appellant Sri Jiban Ch. Saikia is present.

The SPIO, o/o the DEEO, Jorhat is absent without step although notice for hearing has been served on 25.01.2021. The case is taken up for hearing in absence of the SPIO as the complaint case has been pending since 29.10.2019.

Seen the case record. The appellant submitted one petition dated 24.06.2019 under the RTI Act, 2005 before the DEEO, Jorhat seeking some informations. He did not receive any informations from the SPIO, o/o the DEEO, Jorhat within the stipulated period of 30 days and therefore he submitted 1st appeal petition before the SPIO of Directorate of Elementary Education, Assam on 21.08.2019. The SPIO and Deputy Director, Elementary Education, Assam forwarded the 1st appeal petition to the DEEO, Jorhat vide letter no. DEE/RTI/124/2019/6 dated 03.09.2019 with a direction to furnish the sought for informations to the appellant within 10 days from the date of receipt of the letter. The DEEO, Jorhat vide his letter no. DEEO/JRT/RTI/19/2031 dated 26.09.2019 informed the appellant that the sought for informations could not be furnished as the notification no. was not cited in the application. Being aggrieved the appellant preferred a complaint petition dated 29.10.2019 before the Commission. The DEEO, Jorhat also informed the appellant vide his letter no. DEEO/JRT/RTI/19/2308 dated 16.12.2019 that the notification no. EPG/567/91/109 dated 16.11.1991 is not available in his office, and other informations are also not available in his office. The DEEO, Jorhat may not have applied his mind while replying to the appellant. He should have transferred the application to the custodian of the informations if the informations sought for are not available in his office. **The Commission therefore likes to direct the DEEO, Jorhat to transfer the application to the custodian of the sought for informations within 3 days of receipt of this order with a request to furnish the informations to the appellant at the earliest.**

With the above directions, the complaint petition dated 29.10.2019 is disposed of. However, the appellant will be at liberty to submit Complaint petition if he is not furnished with the sought for informations by the SPIO of public authority and on receipt of such petition, the case will be heard again to invoke section 20(1) of the RTI Act, 2005.

Sd/-

(Kanak Ch. Sarma)
 State Information Commissioner, Assam
 Panjabari, Guwahati

Authenticated true copy

Sd/-
 Secretary & Registrar
 Assam Information Commission

Copy to:

1. The SPIO, O/o the Dist. Elementary Education Officer, Jorhat, Dist.- Jorhat, Assam, Pin- 785 001 for information and necessary action.
2. The Appellant, Sri Jiban Ch. Saikia, Nowgong Polytechnic Campus, Dist.- Nagaon, Assam, Pin- 782 003 for information.
3. Computer Section for uploading the order in the Website.
4. Office File.

Secretary & Registrar
Assam Information Commission