

Case No. :SIC/KP(M)131/2021
Complainant/ Appellant :Dhrubajyoti Das
Respondent :SPIO of Dikhowmukh College
P.O.- Bharalua Tiniali, Sivasagar, Assam
Date of Hearing :07/09/2021
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
07/09/2021

1. The petitioner Sri Dhrubajyoti Das, Advocate is present. The petitioner has filed his RTI application before the Principal, Dikhowmukh College, Dist. – Sivasagar seeking following information:
 - (a) What is the minimum educational qualification for the post of Lecturer in Dikhowmukh College, Sivasagar?
 - (b) When was Sri Protim Sarma currently Associate Professor, Deptt. of English in the college mentioned in point (a) selected as a Lecturer?
 - (c) What is his educational qualification?
 - (d) As per the existing norms/laws, did he fulfill the criteria for being selected as a lecturer in Dikhowmukh College, Sivasagra?
 - (e) Details of the individuals/candidates who appeared along with him in the interview/selection process for the above mentioned post along with their educational qualifications?
 - (f) What were the marks obtained by Sri Protim Sarma in 1. 10th Matric 2. 12th/ Higher Secondary 3.Graduation 4. Post-Graduation 5.Others?
 - (g) Copies of the mark sheet of the above exam may kindly be provided and for which I will bear the costs.
2. On non – receipt of the information, the petitioner filed 1st appeal on 28/1/2021 before the 1st Appellate Authority the Principal, Dikhowmukh College.
3. And then he filled 2nd appeal before the Commission on 26/04/2021 and accordingly the hearing was fixed today.
4. The Public Authority to be represented by SPIO of Dikhowmukh College is absent. However, the SPIO/Principal of Dikhowmukh College has submitted a written statement dated 4.9.2021 wherein it is mentioned that the sought for information has already been furnished to the petitioner and also mentions that there is a court case pending before the Honorable Gauhati High Court about the employee whose particulars/informations is being sought. Hence, information with regards to point nos. 5, 6 and 7 could not be provided.

The SPIO in his written statement also mentioned that he is convinced that the disclosure would cause an unwarranted invasion to privacy to the person concerned as it relates to confidential information as informed by the third party u/s 11(1) of the RTI Act. Hence, information with regards to point nos, 5,6 and 7 could not be provided.

The SPIO has not found a bona fide public interest in seeking the said information and the applicant has failed to show any justification towards this [u/s 8.1(j)]. Moreover, in this connection reference may be made to a particular case [W.P.(C) 7976/2020] where the Honorable Delhi High Court is of the opinion that whenever information is sought under the RTI Act disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several others affected persons, whose information is sought. Hence information with regard to point nos 5, 6 and 7 could not be provided.

5. The contention of the SPIO is verbally told to the appellant in connection with **W.P.(C) 7976/2020 of Delhi High Court** and also the references to the pendency of the case at Gauhati High Court.
6. The petitioner prays for 15 days time to submit his reply against the submission of the SPIO, to which the Commission agrees and allowed 15 days time to file his affidavit before taking the final decision.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).131/2021

Dtd. 7.9.2021

Copy to:

1. The SPIO of Dikhowmukh College, Moglow, P.O.: Bharalua Tiniali, Sivasagar Assam for information.
2. The petitioner Sri Dhrubajyoti Das, S/O Lt. A.C.Das, Shantipur Ashram Road, Guwahati 781009 for information and necessary action. He is allowed 15 days time to file an affidavit.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission