



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/DRN.49/2021
Complainant/ appellant : Sri Bipul Ch. Sarmah
Respondent : SPIO/ Superintendent of Excise, O/o the DC, Kamrup(M)
Date of order : 23.11.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
23.11.2021

1. The petitioner Sri Bipul Ch. Sarmah has filed RTI petition dated 16.6.2021 before the SPIO of Commissioner of Excise seeking following information

- (i) Furnish the educational certificate from HSLC admit, certificate and marksheet and service book of an employee Md. Baharul Islam working in Commissioner of Excise, O/o the DC, Kamrup(M)

2. On receipt of it the SPIO, O/o the Commissioner of Excise transferred the RTI petition dated 16.6.2021 to the Deputy Commissioner of Excise, Assam & SPIO vide letter No. III-7/2008-09/Pt-I/32 dated 28.6.2021. The Superintendent of Excise vide letter No. KXL.164/2016/648 dated 27th July, 2021 intimated the petitioner that they wrote to the 3rd party Md. Baharul Islam for his consent. But the third party Md. Baharul Islam intimated the Superintendent of Excise vide letter dated 27th July, 2021 about his disagreement in providing the information to the petitioner.

3. Reportedly on not satisfied with the information furnished by the Suptd. of Excise, the petitioner filed first appeal petition dated 10.8.2021 before the Commissioner of Excise. Then the petitioner filed second appeal petition dated 23.9.2021 before the Commission. Accordingly the date of hearing is fixed today.

4. The petitioner Sri Bipul Ch. Sarmah is present. The public authority i.e. the SPIO & Superintendent of Police Sri Manobi Das and Sri Bijay Goswami, Inspector of Excise are present.

5. On perusal of the above, the petitioner was asked the intension of seeking HSLC Certificate and marksheet along with the copy of service book of Md. Baharul Islam, S/o Late Ibrahim Ali. The petitioner replied that he has a serious doubt on the height of the candidate is not conforming the minimum requirement as per the advertisement for selection.

He needs only the copy of the service book certifying the height of the Constable as he has filed writ petition in the High Court.

6. The Commission while taking into consideration the contention of the SPIO treating the information as the third party information and seeking the consent from the third party for releasing the HSLC Certificate and marksheet and copy of his service book, the Commission considers the service book as a part of the official document and not any third party information and hence directs the SPIO to furnish the

copy of Service book certifying the height of the Constable, Md. Baharul Islam
(not the full copy of service book to be provided to the petitioner)

With the above direction, the second appeal petition dated 23.9.2021 is
disposed off.

Authenticated copies be given to all concerned

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/ DRN.49/2021

Dtd. 23.11.2021

Copy to:

1. The SPIO/ Superintendent of Excise, O/o the Deputy Commissioner, Kamrup(M), Excise Branch, Guwahati-6 for information and necessary action.
2. The First Appellate Authority, O/o Commissioner of Excise, Housefed Complex, Dispur, Guwahati-06 for information
3. Sri Bipul Ch. Sarma, S/o Late Bhuvan Ch. Sarma, Vill- Gharoa Sonapur, P.O- Dhekipara, Dist- Darrang, PIN-784145 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission