

Case No. : SIC/KP(M).137/2021  
Complainant/ Appellant : Dr. Santanu Acharjee.  
Respondent : The SPIO/Principal, Debraj Roy College, Golaghat,  
Assam, PIN Code 785621.  
Date of Hearing : 18-11-2021  
Complaint/ Second  
Appeal heard by : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**18-11-2021**

1. The appellant Dr. Santanu Acharjee is present.
2. The SPIO/Principal, Debraj Roy College, Golaghat, Assam, is absent. But the Commission has received a letter No. DRC/917/2021 dated 16.11.2021 from the Principal, Debraj Roy College, Golaghat. Shri Joy Ram Hazarika, SPIO and Deputy Director, O/o the Directorate of Higher Education, Government of Assam, is also present.
3. From perusal of records it is seen that the appellant Shri Santanu Acharjee had submitted one RTI application to the Principal, Debraj Roy College, Golaghat, seeking 11 (eleven) different informations related to interview for the post of Asstt. Professor of Mathematics in the said College which was held on 28.01.2021. On 02.03.2021, i.e. after more than 30 (thirty) days of the RTI application, the Principal, Debraj Roy College, Golaghat wrote to Dr. Santanu Acharjee vide letter No. DRC/634/2021 informing him that his RTI application could not be accepted "due to some technical reasons", and requested him to contact the PIO of the said College.
4. The appellant however instead of contacting the PIO of the said College as requested by the Principal, submitted an Appeal before the FAA in the Directorate of Higher Education on 10.03.2021. On 16.03.2021 the SPIO, O/o the Directorate of Higher Education transferred the RTI application of Dr. Santanu Acharjee to the Principal, Debraj Roy College, Golaghat, vide letter No. DHE/RTI/37/2021/4 dated 16.03.2021 with a request to furnish the informations directly, to the petitioner within the stipulated time period as per RTI Act, 2005. Following this, the Principal, Debraj Roy College, Golaghat wrote to Dr. Santanu Acharjee vide letter No. DRC/691/2021 dated 07.04.2021 and requested him to deposit a sum of Rs. 250 (two hundred fifty) only against photocopying charges for the available documents to be furnished to him in response to his RTI application. Accordingly Dr. Santanu Acharjee on 13.04.2021 sent a sum of Rs. 250 (Two Hundred fifty) only by cheque. On 26.04.2021 the Principal, Debraj Roy College, Golaghat, vide letter No. DRC/709/2021 furnished point wise information of his RTI application. On perusal of the informations provided, copies of which have been submitted by the appellant to the Commission it is seen that the appellant has been provided informations related to 8 out of his 11 queries. Regarding the 3 (three) in which the information has not been provided, the appellant was informed by the Principal, Debraj Roy College, Golaghat, that those informations were available with the concerned Appointing Authority and hence could be collected following due procedures for the same.
5. During today's hearing Shri Joy Ram Hazarika, SPIO and Deputy Director, Directorate of Higher Education, stated that though the documents sought by Shri Santanu Acharjee under query No. 2, 3 and 5 of his RTI application are definitely "under O/o the concerned Appointing Authority", it will be easier to provide him from the College instead of pushing the matter to the concerned Appointing Authority (Directorate of Higher Education), the reason being while a single College handles or holds information relating only to itself, the concerned Appointing Authority (Directorate of Higher Education) holds huge quantity of informations of all the Colleges of the state.
6. **In view of the above, the SPIO/ Principal, Debraj Roy College, Golaghat, is directed to furnish the informations sought by the appellant Shri Santanu Acharjee under queries No. 2, 3 and 5**

of his RTI application dated 29.01.2021, provided those can be furnished under provisions of RTI Act, 2005, within 15 (fifteen) days from the date of receipt of this order. The informations shall be provided free of cost.

7. The Commission also notices from the available documents that the SPIO/Principal, Debraj Roy College, Golaghat, had collected a sum of Rs. 250 (Two Hundred fifty) from the appellant Shri Santanu Acharjee vide letter No. DRC/691/2021 dated 07.04.2021 in total contravention of the provisions of the RTI Act, 2005. The Act in Section 7 (1) clearly states that "Subject to the proviso to Sub-Section (2) of section 5 or the proviso to Sub-Section (3) of Section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under Section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in Sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request." Section 7 (6) of the RTI Act, 2005 on the other hand states that "the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in Sub-Section (1).
8. **In view of this the SPIO/Principal, Debraj Roy College, Golaghat, is directed to refund within 15 (fifteen) days from the receipt of this order, the amount of Rs 250 (Two Hundred fifty) collected from the appellant Shri Santanu Acharjee much after expiry of the 30 (thirty) days period.**
9. **The SPIO/Principal, Debraj Roy College, Golaghat, is also directed to submit an Action Taken Report on this order immediately upon expiry of 15 (fifteen) days of receipt of this order.**
10. With the above order, this 2<sup>nd</sup> Appeal is hereby disposed of.

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner,  
Assam.

Authenticated true copy.


Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).137/2021**

**Dated: 18-11-2021**

Copy to:

1. The SPIO/Principal, Debraj Roy College, Golaghat, Assam, PIN Code 785621, for information and necessary action.
2. First Appellate Authority/ O/o the Director of Higher Education, Kahilipara, Guwahati, PIN Code 781019, for information.
3. The petitioner, Dr. Santani Acharjee, Deptt of Mathematics, Gauhati University, Guwahati, PIN Code 781014, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

  
Secretary & Registrar  
Assam Information Commission.