

Case No. : SIC/BPT.22/2020
Complainant/ Appellant : Shri Jahangir Alom.
Respondent : 1. The SPIO, O/o the Inspector of Schools, P.O., P.S. &, Dist. Barpeta, Assam, PIN Code 781301.
2. The SPIO, O/o the Head Teacher, Balarpathar High School, Balarpathar, P.O. Soupur, P.S. Kalgachia, Distt Barpeta, PIN Code 781319, Assam.
Date of Hearing : 17-11-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
17-11-2021

1. The appellant Shri Jahangir Alom is present.
2. Shri Abul Kalam Azad, SPIO and Planning Asstt. O/o the Inspector of Schools, Barpeta District Circle is present. He has also submitted a letter No. RTI/2014/7598-A dated 16.11.2021 signed by the Inspector of School, Barpeta District Circle to attend today's hearing. Shri Abul Kalam Azad has also submitted photocopy of his Government Identity Card which is put on record. Md. Siddique Rahman, Head Master, Balarpathar High School, is also present.
3. From perusal of records it is seen that the appellant Shri Jahangir Alom had submitted one RTI application to the SPIO, Inspector of Schools, Barpeta District Circle on 01.09.2020 seeking three informations related to educational qualification of one Md. Mohidul Islam, Asstt. Head Master, Balarpathar High School. On not getting any response, he submitted a 1st Appeal to the FAA, O/o the Inspector of Schools, Barpeta, on 14.10.2020. Meanwhile, records submitted by the Inspector of Schools showed that the Head Master, Balarpathar High School, wrote to Md. Mohidul Islam, Asstt. Head Master of the same School requesting him to submit documents related to his educational qualifications being sought by Shri Jahangir Alom in his RTI application. On 16.10.2020, Md. Mohidul Islam, Asstt. Head Master, Balarpathar High School, wrote to the Head Master, Balarpathar High School, that he was not willing to share the documents of his educational qualification. He referred to Section 8 of the RTI Act, 2005, in this connection.
4. On reading Section 8 of the RTI Act, as cited by Md. Mohidul Islam, Asstt. Head Master, it is seen that Section 8 (1) (j) of the RTI Act, justifies Md. Mohidul Islam's claim of not agreeing to share his educational qualification. Section 8 (1) (j) of the RTI Act, 2005, exempts from disclosure "information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual, unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."
5. Ideally, the SPIO, O/o the Inspector of Schools, Barpeta District Circle or the Head Master, Balarpathar High School, (who is deemed PIO following transfer of the RTI application by the Inspector of Schools, Barpeta, under Section 6 (3) of the RTI Act, 2005,) should have invoked Section 11 (1) of the RTI Act, 2005. In this matter however the Head Master did not do so. Despite that, however it, is seen that since the third party i.e. Md Mohidul Islam, Asstt. Head Master has declined to share his documents related to his educational qualifications by invoking Section 8 (1) (j), as such the Commission has no further role in this regard. The appellant Shri Jahangir Alom during today's hearing was specifically asked if he can satisfy the SPIO or this Commission that there is a larger Public Interest justifying the disclosure of personal information of an individual, in this case

Md. Mohidul Islam, Asstt. Head Master. The appellant Shri Jahangi Alom verbally said there was “some larger Public Interest involved” but could not substantiate his claim in any manner. If he could have substantiated his claims that there is larger Public Interest in accessing the information sought after, then the Commission could have considered his prayer.

6. In view of the above, this 2nd 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/BPT.22/2020

Dated: 17-11-2021

Copy to:

1. The SPIO, O/o the Inspector of Schools, P.O., P.S. &, Dist. Barpeta, Assam, PIN Code 781301 for information.
2. The SPIO, O/o the Head Teacher, Balarpathar High School, Balarpathar, P.O. Soupur, P.S. Kalgachia, Distt Barpeta, PIN Code 781319, Assam, for information.
3. First Appellate Authority/ O/o the Inspector of Schools, P.O., P.S. &, Dist. Barpeta, Assam, PIN Code 781301, for information.
4. The petitioner, Shri Jahangir Alom, S/o. Abdul Hai, Vill. Balarpathar, P.O. Soupur, P.S. Kalgachia, Dist. Barpeta, PIN Code 781319, Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.


Secretary & Registrar
Assam Information Commission.