

Case No. : SIC/KP(M).939/2019.
Complainant/ Appellant : Syed Mozammil Haque.
Respondent : The SPIO, O/o the Block Elementary Education Officer,
Sonari Block, Sepon, Sivasagar, Assam.
Date of Hearing : 06-10-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
06-10-2021

1. The appellant Syed Mozammil Haque is present.
2. The SPIO, O/o the Block Elementary Education Officer, Sonari Block, Sepon, Sivasagar, Assam, is absent without any intimation.
3. From records it is seen that the appellant Syed Mozammil Haque submitted an RTI application on 21.06.2019 to the BEEO Sonari (Sepon) seeking 2 (two) informations – (i) Date and details of retirement of Smti Dipali Gogoi, Teacher of 7064 No. Primary School, Helagaon, and (ii) Copy of educational qualification certificates and service book of the said teacher sent by the O/o the BEEO to the Pension Department. The BEEO on 11.07.2019, while responding to the said RTI application, informed the appellant Syed Mozammil Hoque that (i) the said teacher retired on 31.01.2016 and (ii) since all documents including service book of the said teacher were sent to the O/o the Deputy Inspector of Schools, Charaideo, hence those are not available in the O/o the BEEO. Additionally the BEEO also informed him that the said teacher, when contacted has informed the BEEO that she had lost all her testimonials while travelling from Guwahati to Moran.
4. The appellant during the hearing today contended that the PIO/BEEO should have ideally transferred the 2nd Appeal query of his RTI application to the O/o the Deputy Inspector of Schools, Charaideo, because the informations were available there.
5. **In view of the above, the SPIO, O/o the BEEO, Sonari Block, Sepon, Sivasagar, is directed to transfer the 2nd part of the said RTI application to the O/o the Deputy Inspector of Schools, Charaideo. The Commission is of the opinion that information sought are Third Party information as defined under Section 11(1) of the RTI Act, 2005. Hence the Deputy Inspector of Schools, Charaideo, shall also take recourse to Section 11(1) of the RTI Act, under which he/she is required to give a written notice to the third party, in this case Smti Dipali Gogoi, within 5 (five) days from the receipt of this order, and invite the Third Party (Smti Dipali Gogoi) to make a submission in writing, or orally, regarding whether the information should be disclosed or not. If the Third Party does not agree, then the information shall not be given. Accordingly, the Deputy Inspector of Schools shall inform the appellant within 5 (five) days from the receipt of this order. The SPIO, O/o the BEEO as well as Inspector of Schools, Charaideo, Sonari, are also directed to apprise the Commission about the action taken on this order.**
6. With the above order, 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/KP(M).939/2019

Dated: 06-10-2021

Copy to:

1. The SPIO, O/o the Block Elementary Education Officer, Sonari Block, Sepon, Sivasagar, Assam, for information and necessary action.
2. The Inspector of Schools, Charaideo, Sonari, Assam, for information and necessary action.
3. The Deputy Inspector of Schools, Charaideo, Assam, for information and necessary action.
4. First Appellate Authority/ O/o the Block Elementary Education Officer, Sonari Block, Sepon, Sivasagar, Assam, for information.
5. The petitioner, Syed Mozammil Haque, H. No. 63, Sivmandir Path, Baghorbari, Panjabari, Guwahati, PIN 781039, Assam, for information.
6. Computer section for uploading in the website.
7. Office File.
8. Order Book.



Secretary & Registrar
Assam Information Commission