

Case No. : SIC/KP(M).105/2021
Complainant/ Appellant : Shri Ranjan Kr. Das.
Respondent : The SPIO, Assam Higher Secondary Education
Council (AHSEC), Bamunimaidam, Guwahati, PIN
Code 781021, Assam.
Date of Hearing : 13-09-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
13-09-2021

1. The appellant Shri Ranjan Kr. Das is present.
2. Smti Jyotismita Borah, SPIO and Asstt. Co-ordinator, Assam Higher Secondary Education Council (AHSEC) and Shri Pulak Patgiri, First Appellate Authority and Secretary, AHSEC is present. The SPIO has also submitted a written statement No. AHSEC/RTI/2019/3/pt-vii/ regarding the status of response to the RTI application of Shri Ranjan Kr. Das dated 16.12.2020.
3. From perusal of records it is seen that the appellant Shri Ranjan Kr. Das had submitted one RTI application to the SPIO, AHSEC, Guwahati on 16.12.2020 seeking two informations – **(a)** some information related to construction of wooden racks etc, for strong room in the Council's office in 2014-15 and 2015-16 and **(b)** copy of the report of the enquiry committee headed by Retd. District and Session Judge Shri B. C. Das in connection with the alleged leak of question paper of H.S. Final Examination 2018. The Council vide letter No. AHSEC/RTI/2019/03/pt-(vii)/170 dated 11.01.2021 provided the petitioner Shri Ranjan Kr. Das with informations related to his query No. **(a)**. Regarding query No. **(b)** he was informed that the copy of the enquiry report "is not available now".
4. The SPIO in her written statement dated 10.09.2021, submitted photocopy of file notings dated 19.02.2021, in which the then Chairman had stated that the report was not available with him. The file notings (N-16) also contain a comment by the then Secretary of the Council dated 19.02.21, marked to the Chairman in which he had stated that "as informed by the Dy. Secy (Admin), the same (The enquiry report) may be with the Chairman or the Secretary of AHSEC." The then Secretary had also requested the then Chairman that if the report was whether with the Chairman or not, the same may be informed to the petitioner. It was in response to this note of the then Secretary that the then Chairman had put on record that the report was not available with him.
5. During today's hearing the SPIO verbally stated that the said enquiry report is presently available in the Council.
6. **In view of the above the SPIO is directed to provide a copy of the said enquiry report, if the same can be provided under provisions of the RTI Act, 2005. It**

may be put on record that Section 8 of the RTI Act, 2005 clearly states that informations which cannot be denied to the Parliament or State Legislature shall not be denied to any person.

7. This order shall be implemented by the SPIO within 15 (fifteen) days from the receipt of this order.
8. 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).105/2021

Dated: 13-09-2021

Copy to:

1. The SPIO, Assam Higher Secondary Education Council (AHSEC), Bamunimaidam, Guwahati, PIN Code 781021, Assam, for information and necessary action.
2. The First Appellate Authority/ The Secretary, Assam Higher Secondary Education Council (AHSEC), Bamunimaidam, Guwahati, PIN Code 781021, Assam, for information.
3. The petitioner, Shri Ranjan Kr. Das, HN-1, Brindavan Path, Rupnagar, Guwahati, PIN Code 781032, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.



Secretary & Registrar
Assam Information Commission.