

Case No. : SIC/KP(M)28/2022
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, Directorate of Health, Hengrabari,
Guwahati, Assam
Date of Hearing : 21/02/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
21/02/2022

1. The petitioner has filed his RTI petition before the Public Information Officer, Directorate of Health, Hengrabari, Guwahati on 3.12.2021 seeking following information:
 - (a) Please furnish copy of qualification certificate, caste certificate and other documents submitted at the time of appointment by Dr. Ramen Talukdar presently working as Principal in Barpeta Medical College along with a copy of appointment letter.
 - (b) Please furnish whether documents has ever verified which was submitted at the time of appointment and prior issued of appointment letter.
2. At hearing the petitioner said that he has a strong suspicion that the caste certificate is fake as from where the caste certificate is issued no genuine caste certificate can be issued.

Since the person concerned is in Government of Assam and is a responsible officer, the genuineness of caste certificate is of direct public interest and importance. Hence the petitioner is seeking details of the caste certificate. On not getting any information, the petitioner filed a complaint petition u/s 18(1) of the RTI Act, 2005 before the Commission on 17.1.2022.

However, the petitioner has prayed before the Commission to convert his complaint petition into 2nd appeal u/s 19(3) of the RTI Act, 2005.

3. The Public Authority is represented by Dr. Ratna Basumatary , Jt. DHS (TB) cum SPIO, Directorate of Health, Guwahati.
4. The SPIO verbally stated that the RTI petition is transferred on 5.1.2022 to Directorate of Medical Education, Guwahati.

As per the notice issued from this Commission, it is clearly mentioned that when the RTI petition is transferred, it is the duty of the original SPIO to intimate to the transferred SPIO and make him available at the hearing, as the Commission is in no way able to know what action the SPIO has taken in the RTI petition.

5. It is quite unfortunate that Dr. Ratna Basumatary appeared on the hearing without even reading the notice issued from the Commission. He has received the RTI petition on 8.12.2021 at his office, but transferred to the concerned SPIO of Directorate of Medical Education, Assam only on 5.1.2022 which is about 25 days whereas as per section 6(3) of the RTI Act, 2005, the petition should have been transferred within five days.
6. From the above it is seen that the SPIO is totally ignorant of the RTI Act and in the process has violated it completely and made a mockery of its provision warranting strict penal action (departmental action/fine) as per section 20 of the RTI Act, 2005.

7. However, taking a lenient view, the Commission fixes another date where both Dr. Ratna Basumatary and the SPIO of Directorate of Medical Education, Guwahati should remain present to file affidavit regarding the RTI petition.
Fix 21.3.2022 at 11:30 AM as the next date of hearing.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M)28/2022

Dtd. 21.2.2022

Copy to:

1. The Principal Secretary, Health & Family Welfare, Department, CM Block, Assam Secretariat, Dispur, Guwahati 06 for information.
2. The SPIO, Directorate of Health, Hengrabari, Guwahati Assam for information and necessary action as ordered above. He is to remain present on the next date of hearing.
3. The SPIO, Directorate of Medical Education, Khanapara, Six Mile, Guwahati, Assam for information and necessary action as ordered above. He is to remain present on the next date of hearing.
4. The petitioner Sri Joydeb Das, S/O Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission