

OFFICE OF THE  
**ASSAM INFORMATION COMMISSION**

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**Case No.** :SIC/DMJ.45/2019  
**Complainant/ Appellant** :Dilip Saikia  
**Respondent** :SPIO, O/o the Principal, Dhemaji College,  
Dhemaji  
**Complaint/ Second** : Dr. A.P.Rout,  
**Appeal heard by** State Chief Information Commissioner, Assam

**O R D E R**  
**24/03/2022**

In continuation of Commission's earlier order dated 25.1.2021 and on perusal of the enquiry report submitted by the enquiry officer, Assam Information Commission along with the case records of this instant case, the Commission observes the following facts:-

1. That Dr. Dilip Saikia filed an RTI application dated 4.9.2019 followed by 1<sup>st</sup> appeal petition dated 6.10.2019 and the 2<sup>nd</sup> appeal petition dated 30.11.2019. The petitioner mentioned the RTI application dated 4.9.2019 was received in the O/o the Principal, Dhemaji College on 9.9.2019 and he enclosed a copy of the postal delivery report of the same. The SPIO, Dhemaji College furnished a reply to the RTI petition, dated 30.9.2019 showing it to be received on 23.9.2019.
2. During the Commission's hearing on 29.12.2020. The petitioner alleged that the information file was available with the Principal, Dhemaji College but the SPIO had stated that the file was available with Directorate of Higher Education on the day of receipt of RTI petition. Due to this confusion, the Commission fixed another date of hearing. On the hearing dated 25.1.2021, the Commission ordered the Principal of Dhemaji College to conduct an enquiry and submit a report on actual receipt of the RTI application and marking the same to the SPIO.
3. The Principal of Dhemaji College forwarded an enquiry report dated 9.2.2021 which the Commission found to be unsatisfactory and decided to enquire the matter deputing an enquiry officer to submit a factual report on the same to the Commission.
4. Sri Amrit Basumatary of Assam Information Commission, Guwahati made an enquiry into this matter and submitted a report dated 18.11.2021 wherein it was physically verified that the RTI application was received on 23.9.2019 as per the Receipt Register maintained at the Dhemaji College.
5. Since the petitioner already submitted a postal delivery report clearly indicating that the RTI application was delivered on 9.9.2019, a query was made with the Post Master, Dhemaji to provide the authenticated proof of postal delivery report.

In reply to the query, the Superintendent Post, Dibrugarh Division vide letter dated 22.11.2021 forwarded a copy of the delivery slip of the Article No. ES821222866IN dated 9.9.2019 (through which the RTI application was stated to be sent by the petitioner).

6. The Commission on receipt of the same wrote a letter to the Principal of Dhemaji College, dated 6.12.2021 to ascertain the name and designation of the recipient which was found to be received on 9.9.2019 at the Dhemaji College. (Annexure H)
7. The Commission observes that the Principal, Dhemaji College vide letter dated 13.12.2021 replied that signature in the postal report was of Mr. Bhriguram Sonowal, Head Assistant, Dhemaji College.

The Principal of Dhemaji College did not mention that the RTI application was received on 9.9.2019 by one of his employee neither in his enquiry report nor before the enquiry officer of this Commission.

8. The Commission after taking into consideration of the points mentioned above observes that the office of Dhemaji College has malafidely recorded the receipt of the RTI application as 23.9.2019 instead of 9.9.2019 in order to evade furnishing of the information to the applicant. The Commission views this very seriously.
9. On perusal of the above facts, the Commission is of the view that –
  - (a) The Head Assistant who received the RTI application on 9.9.2019 did not put up/report the RTI petition to the SPIO, Dhemaji College. Therefore, Principal, Dhemaji College should have taken steps for delay in putting up the file by the Head Assistant since in normal case it would not have taken more than a day.
  - (b) The Commission also observed that vide an email dated 26.12.2019 SPIO of Dhemaji College intimated the appellant that the file containing the sought for information was released by the Director of Higher Education, Assam and requested the petitioner to collect the relevant documents from the Office of Dhemaji College at the earliest. The petitioner could have responded positively to this communication if he was so interested in getting the information
10. From point (a) and (b) of point no.9, the Commission feels that both the Principal, Dhemaji College and the appellant have not taken the matter of the RTI application seriously and thereby wasting the time and resources of the Commission. Therefore, the Commission decides to close the matter and dispose off the case. However, the Principal, Dhemaji College is directed to be careful on RTI matters and to take steps for disposal so that this type of event does not recur in future.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/ DMJ.45/2019**

**Dtd 24.3.2022**

Copy to:

1. The SPIO, Office of the Principal, Dhemaji College, Dhemaji, Assam 787057 for information.
2. The Principal, Dhemaji College, Dhemaji, Assam 787057 for information.
3. The petitioner Dr. Dilip Saikia, C/o Bidyadhar Saikia, Hiloipara, P.O. Kacharipathar, Dhemaji, Assam 787058 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar  
Assam Information Commission