

Case No. : SIC/HLK.56/2020  
Complainant/ Appellant : Shri Ahmed Mahir Choudhury  
Respondent : The SPIO, O/o the Directorate of Elementary  
Education, Kahilipara, Guwahati-19, Assam.  
Date of Hearing : 04-03-2021  
Complaint/ Second  
Appeal heard by : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**01-04-2021**

1. The appellant Shri Ahmed Mahir Choudhury is absent without any intimation.
2. The SPIO, O/o the Directorate of Elementary Education, Govt. of Assam, is represented by Dr. Rajiv Kr. Jha, Deputy Director, Elementary Education. He has also submitted a written statement No. DEE/RTI/HKD/39/2020/65 dated 01.03.2021, mentioning that the Directorate of Elementary Education, Assam, had received an RTI application of Shri Ahmed Mahir Choudhury on 12.05.2020. The enclosed documents submitted with the written statement shows that the appellant Shri Ahmed Mahir Choudhury had signed his RTI petition on 19.03.2020. The RTI petition was transferred to the SPIO and Joint Secretary to the Govt. of Assam, Elementary Education Department, Dispur, Guwahati, vide letter No. DEE/RTI/39/2020/7 dated 02.06.2020, with a copy to the petitioner. On 28.07.2020, the Directorate of Elementary Education received a 1<sup>st</sup> Appeal petition from the appellant dated 25.06.2020, stating that he had not received any response to his RTI application dated 19.03.2020. Responding to this, the SPIO, Directorate of Elementary Education, informed him that his RTI application had been transferred to the SPIO, Elementary Education Department, Govt. of Assam, and that the appellant should appeal before the FAA of the Elementary Education Department.
3. On 03.08.2020, the appellant wrote a 2<sup>nd</sup> Appeal to this Commission which was received on 31.08.2020, with which he had enclosed a copy of his RTI application which however was signed on 04.08.2020, which is **one day after** he had signed his 2<sup>nd</sup> Appeal. The appellant also enclosed a copy of his 1<sup>st</sup> Appeal to the Directorate of Elementary Education, which bears the appellant's signature on 25.06.2020.
4. The Commission on 04.03.2021, received two written statements – (i) No. DEE/RTI/HKD/39/2020/64 dated 01.03.2021 from the FAA, Directorate of Elementary Education, Assam, and (ii) No. DEE/RTI/HKD/39/2020/65 dated 01.03.2021 from the SPIO, O/o the Directorate of Elementary Education, Assam, in which pointwise explanation on the status of the RTI application by the appellant Shri Ahmed Mahir Choudhury dated 12.05.2020, have been given. The written statement of the FAA, Directorate of Elementary Education has also mentioned that as the information sought for was related to the Elementary Education Department, Govt. of Assam, Dispur, hence his RTI petition was transferred to the SPIO and Joint Secretary to the Govt. of Assam, Elementary Education Department, Dispur vide letter No. DEE/RTI/39/2020/7 dated 02.06.2020. It also stated that the 1<sup>st</sup> Appeal petition from the appellant Shri Ahmed Mahir Choudhury was received on 28.07.2020, in which the appellant had stated that he was aggrieved that the SPIO had allegedly not taken any decision on his RTI petition. In this connection it is pertinent to put

on record that the appellant was informed by the SPIO and Dy Director, Elementary Education Assam, vide letter No. DEE/RTI/39/2020/18 dated 06.08.2020, that since his RTI petition was transferred to the SPIO and Joint Secretary, Govt. of Assam, Elementary Education Department on 02.06.2020, as such the appellate authority for his 1<sup>st</sup> Appeal also lies in that office. The written statement of the FAA also mentioned that on 01.09.2020, the Directorate of Elementary Education had received a copy of a 2<sup>nd</sup> Appeal petition of Shri Ahmed Mahir Choudhury on 01.09.2020, along with an annexed set of questions. The SPIO, O/o the Director of Elementary Education vide letter No. DEE/RTI/39/2020/33 dated 08.09.2020, had informed him that his RTI petition dated 03.08.2020 was rejected as it was in contravention to Section 2(f) of the RTI Act, 2005. The Commission is satisfied with the written statement of the FAA, Directorate of Elementary Education as well as the SPIO of the Directorate of Elementary Education, Guwahati.

5. From perusal of records submitted by the appellant it is seen that Shri Ahmed Mahir Choudhury had signed his RTI application on 04.08.2020, through which he had sought a set of 7 (seven) informations regarding the status of grievance petition which he had apparently written to the Elementary Education Department, Govt. of Assam on 20.01.2020. The RTI petition however has not specified as to before which authority or office the appellant had submitted his above-mentioned grievance petition. From documents submitted by the appellant, it is seen that he has enclosed a copy of his 1<sup>st</sup> Appeal before the FAA of the Directorate of Elementary Education which is dated 25.06.2020, which is **about five weeks before** filing his RTI application dated 04.08.2020. Moreover he has signed his 2<sup>nd</sup> Appeal on 03.08.2020, which is **one day before** signing his RTI application on 04.08.2020. According to the copy of his 1<sup>st</sup> Appeal dated 25.06.2020, on the other hand, his RTI application was mailed on 19.03.2020.
6. From copies of records provided by the SPIO along with his written statement of 01.03.2021 it is seen that the appellant Shri Ahmed Mahir Choudhury had signed his original RTI petition on 19.03.2020, which was received in the O/o the Directorate of Elementary Education, Kahilipara, Guwahati, on 12.05.2020. These points to serious inconsistencies and contradictions on the part of the appellant who had signed on his 2<sup>nd</sup> Appeal on 25.06.2020, whereas he has in one place mentioned that he had signed his RTI application on 04.08.2020, and in another place mentioned as signing his RTI application on 19.03.2020.
7. Moreover, a photocopy of the IPO (No 50F 236580) which was attached to the original RTI application, as provided by the SPIO today has mentioned the sender's name as "Ahmed M.C." leaving the space for his address blank, whereas the IPO requires an address of the sender too. Moreover, the appellant also left the column blank for payee's name in the IPO, and also the space for name of the post office at which the payment is to be made.
8. From examination of the records it is also seen that the appellant in an attachment to his 2<sup>nd</sup> Appeal has stated that he is a student of Class 2 and that his father is an Associate Professor in a NAAC-Accredited Grade A college. It also mentions that the appellant's father had apparently identified a number of lacunae in the Sarba Siksha Abhiyan framework and various other matters related to the education system of the state.
9. From the attachment it is also clear that the appellant Shri Ahmed Mahir Choudhury has submitted his so-called grievance petition before various authorities including the Inspector of Schools, Hailakandi District, the Commissioner and Secretary to the Governor, Raj

Bhawan, Assam, Guwahati and so on, seeking “authentic solutions of 25 contradictions related to Class 2 standard, compulsory elementary education for all (Sarba Siksha) and certain other matters related to certain apparently philosophical discrepancies, about natural science, justifiable curriculum to ensure clear education,” etc. These have only created confusion rather than facilitating the process of providing information under the RTI Act, 2005, as orally submitted by the SPIO during the hearing on 04.03.2021.

**10. From the above it is seen that there are numerous inconsistencies, contradictions and confusion in the filing of RTI application, 1<sup>st</sup> Appeal and 2<sup>nd</sup> Appeal by the appellant Shri Ahmed Mahir Choudhury, including the dates of signing and submitting the RTI application and the subsequent petitions.**

11. In view of the above-mentioned inconsistencies, contradictions and confusion that emanate from the records available as provided by the petitioner himself, the Commission deems it fit to dismiss the 2<sup>nd</sup> Appeal.

12. The case is hereby closed and disposed of.

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner,  
Assam.

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/HLK.56/2020**

**Dated: 01-04-2021**

Copy to:

1. The SPIO, O/o the Directorate of Elementary Education, Kahilipara, Guwahati, PIN-781019, Assam, for information.
2. The First Appellate Authority/ The Director of Elementary Education, Kahilipara, Guwahati, PIN-781019, Assam, for information.
3. The petitioner, Shri Ahmed Mahir Choudhury, S/o- Jamir Ahmed Choudhury, Project E Road, R.P. Road Post Office, , Dist- Hailakandi, Assam. PIN-788155, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar  
Assam Information Commission