

<b>Case No.</b>	<b>: SIC/GLP.8/2020</b>
<b>Complainant/ Appellant</b>	<b>: Shri Rofiquel Islam</b>
<b>Respondent</b>	<b>: The SPIO, Office of the Head Teacher, Salbari ME Madrassa, Vill- Aklasalbari, P.O.- Simlabari, P.S.- Lakhipur, Dist.- Goalpara,, PIN-783330, Assam.</b>
<b>Date of Hearing</b>	<b>: 19-02-2021</b>
<b>Complaint/ Second Appeal heard by</b>	<b>: Shri Samudra G. Kashyap. State Information Commissioner, Assam</b>

**O R D E R**  
**19-02-2021**

1. The appellant Shri Rofiquel Islam is absent. But he has authorized one Shri Zalal Uddin, 1<sup>st</sup> Asstt. Teacher, Salbari ME Madrassa, P.S.- Lakhipur, Dist- Goalpara, to appear on behalf of him. Shri Zalal Uddin is present carrying an authorization letter signed by Shri Rofiquel Islam.
2. The SPIO, O/o the Head Teacher, Salbari ME Madrassa is represented by Shri Abdur Rahim, Head Master of the School. The FAA is represented by Shri Debanan Boro, BEEO, Lakhipur, Goalpara, assisted by Shri Mohidul Islam, Jr. Assistant.
3. From perusal of records it is seen that the appellant Shri Rofiquel Islam had submitted an RTI application in the O/o the Block Elementary Education Officer, Lakhipur, Goalpara, dated 12.02.2020, seeking as many as 17 (seventeen) different informations and documents related to the Salbari ME Madrassa School, covering the period from 2005 to 2020. He also submitted a 1<sup>st</sup> Appeal on 26.08.2020, before the Block Elementary Education Officer, Lakhipur, on 26.08.2020, stating that he had not received any information till then. Subsequent to that the appellant submitted a 2<sup>nd</sup> Appeal in the Commission on 18.11.2020. The appellant had also submitted to the Commission copy of a letter No. BEL/RTI/Act./2005/760 dated 18.09.2020, written by the BEEO, Lakhipur Block, transferring the RTI application of Shri Rofiquel Islam dated 12.02.2020, to the Head Teacher of Salbari ME Madrassa.
4. Shri Debanan Boro, FAA and BEEO, Lakhipur, today submitted a written statement No. BEL/RTI/Act/2005/1323 dated 18.02.2021. In the written statement he has stated that the RTI application of Shri Rofiquel Islam signed on 12.02.2020, was delivered in his office by the Postal Department only on 10.09.2020. Accordingly he wrote a letter transferring the RTI application to the Head Teacher, Salbari ME Madrassa, on 18.09.2020, as mentioned in the previous paragraph. At this point Shri Zalal Uddin, the representative of the appellant, pointed out that the RTI application was posted on 12.02.2020 itself at the Lakhipur post office, and that the distance between the said post office and the BEEO's office would be around 500 meters only; but he could not produce any evidence or proof of his claim. The BEEO, Shri Debanan Boro, however stated that he had enquired with the Post Master, Lakhipur Post Office, about the inordinate delay in delivery of the letter containing the RTI application, and that he was told that the delay was due to the COVID situation and lockdown.

5. Head Teacher of Salbari ME Madrassa, Shri Abdur Rahim, when asked why he has not yet provided the informations to the appellant after having received the copy of the RTI on 18.09.2020 on being transferred by the BEEO of Lakhipur, said that most of the documents of the School were washed away by a severe flood which had occurred in July, 2020. The Head Teacher has also submitted a written statement in which several inconsistencies of facts have been observed. For instance, his letter to the Commission is dated 19.02.2012(?). In this letter he has stated that a severe flood which occurred on 27.07.2021(?) washed away some valuable documents of the School, and that he had informed about the same to the O.C. of Lakhipur Police Station on 05.07.2020. He has also submitted a police report signed by the Officer-in-Charge Lakhipur P.S., Dist. Goalpara on 18.02.2021, in which it has been clearly stated that the Head Teacher had reported to him on 17.02.2021, that on 05.07.2020 some important documents were lost from the School office room when a flood had occurred there. The police report also referred to Lakhipur P.S. General Diary Entry No.377 dated 17.02.2021 and contains a list of names of the documents lost as claimed by the Head Teacher.
6. Shri Zalal Uddin, who is 1<sup>st</sup> Assistant Teacher in the same School and has represented the appellant Shri Rofiquil Islam today, however claimed that no flood had occurred at Salbari during the year 2020. The BEEO Shri Debanan Boro also said that he does not remember any flood had occurred at Salbari, leading to damage of School documents as claimed by the Head Teacher Shri Abdur Rahim, during the year 2020. The BEEO, Shri Debanan Boro, when being asked, stated that he has come to know about the damage allegedly occurring to some valuable documents to the Salbari ME Madrassa, only today during the hearing, whereas the BEEO being the immediate government officer of the Education Department having supervisory and administrative authority over all Elementary Schools of Lakhipur Block , should have been the first officer who should have been contacted and informed by the Head Teacher about the alleged flood damage.
7. The Head Teacher Shri Abdur Rahim, who could not substantiate his claims during the hearing, however stated that Shri Zalal Uddin, the 1<sup>st</sup> Assistant Teacher of Salbari ME Madrassa, who has today appeared in the hearing on behalf of appellant Shri Rofiquil Islam, has engaged several persons to submit RTI applications in his School during the past few years. Shri Zalal Uddin however denied the allegation of the Head Teacher that he had engaged different persons to submit RTI applications in the office of the Head Teacher, Salbari ME Madrassa, as alleged.
8. When asked within how much time he can provide the information to the appellant, the Head Teacher said that since all records of the School were damaged in the flood, as such he cannot provide the information sought.
9. In view of the above, and particularly in view of the inconsistencies and unsubstantiated claims of the Head Master Shri Abdur Rahim, the Block Elementary Education Officer, Lakhipur Education Block, Goalpara, is directed to conduct an enquiry into the anomalies arising out of the unsubstantiated claims of the Head Master and suspected foulplay, and report the same to the appropriate authority in the government, including the Deputy Commissioner, Goalpara, and the Superintendent of Police, Goalpara, with

recommendations wherever applicable, within 21 days from the receipt of this order. The BEEO is also directed to inform the Commission about the actions taken, following which the Commission will hear the matter again.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/GLP.08/2020**

**Dated: 19-02-2021**

Copy to:

1. The SPIO, O/o the Head Teacher, Salbari MEM, Vill- Aklasalbari, P.O.- Simlabari, P.S.- Lakhipur, Dist- Goalpara, PIN-783330 for information.
2. The District Elementary Education Officer, Dist-Goalpara, Assam, for information and necessary action.
3. The First Appellate Authority/ O/o the Block Elementary Education Officer, Lakhipur, Goalpara, Assam, for information and necessary action.
4. The Deputy Commissioner, Goalpara, for information and necessary action.
5. The Superintendent of Police, Goalpara, for information and necessary action.
6. The petitioner, Shri Rofiqul Islam, S/o- Late Nur Uddin, Vill- Takimari Nayapara, P.O.- Takimari, P.S.- Lakhipur, Dist- Goalpara, Assam. PIN-783129, assam for information.
7. Computer section for uploading in the website
8. Office File
9. Order Book

Secretary & Registrar  
Assam Information Commission