

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/CCR 92/2022
Complainant/ Appellant : Sayeed Hussain Mazumder
Respondent : The SPIO, Directorate of Higher Education,
Assam, Kahilipara, Guwahati 19
Date of Hearing : 07/10/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
07/10/2022

1. In continuation of earlier order dated 4.8.2022, the matter was taken up for hearing.
2. The petitioner Sayeed Hussain Mazumder is present.
3. The Public Authority to be represented by SPIO, O/o the Director of Higher Education, Kahilipara, Guwahati is absent. However, the SPIO has submitted a written statement dated 30.10.2022 wherein it is mentioned that due to medical leave up to 10.10.2022 for medical check up outside the state, he is unable to appear at the hearing.
4. The SPIO cum Deputy Director, O/o the Director of Higher Education, Kahilipara has submitted a written statement dated 30.10.2022 wherein it is mentioned that the RTI petition was received by this office on 1.12.2021 and information was provided to the petitioner on 9.5.2022 u/s 6(3) of the RTI Act, 2005.
5. **Section 7 in The Right To Information Act, 2005**
7. Disposal of request.—
(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.
6. The explanation submitted by the SPIO Sri Joy Ram Hazarika, A.E.S., SPIO cum Deputy Director, O/o the Director of Higher Education does not mention anything in this regard. Hence, the provision of Section 20 of the RTI Act, 2005 is still applicable in this case.
7. The SPIO is to submit a written explanation as to why no penalty U/S 20 to be imposed on him and be personally present on the next date of hearing.
8. As regards to the contention of the SPIO in para 2 of his written statement that his office has communicated with the petitioner, there is no reference to substantiate this.
9. On the other hand, the petitioner in his statement dated 7.10.2022(in enclosing herewith the call records) intimated that before 1.8.2022 nobody has contacted him from the office of the Director of Higher Education, Kahilipara.
— The SPIO is to submit written explanation on this.

10. The Commission directs the SPIO to be present on the next date of hearing with written explanation.

11. **Fix another date of hearing.**

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/CCR.92/2022

Dtd. 07.10.2022

Copy to:

1. Sri Joy Ram Hazarika, SPIO, Directorate of Higher Education, Assam, Kahilipara, Guwahati 19 for information and necessary action as ordered above. He is to remain present on the next date of hearing.
2. The petitioner Sayeed Hussain Mazumder, Vill. & P.O. Barjatrapur, Dist. Cachar, Assam 788110 for information. He is to remain present on the next date of hearing.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission