

Case No. : SIC/JRT 14/2022
Complainant/ Appellant : Sri Nabaranjan Sarmah
Respondent : The SPIO, Gauhati University, Gopinath Bardoloi Nagar, Guwahati 14
The Director (i/c), Gauhati University Institute of Distance & Open Learning (GUIDOL), Guwahati 14
Date of Order : 05/11/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
05/11/2022

1. The petitioner Shri Nabaranjan Sarmah has filed one RTI petition before the PIO, Institute of Distance and Open Learning, Gauhati University, Gopinath Bordoloi Nagar, Jalukbari, Guwahati – 781014 on 17.5.2022 seeking following information:
 - (1) Xerox copy of my answer sheet, Paper (M101) Real and Lévesque measure appeared in the M.Sc 1st Semester Examination held in 2016.
 - (2) Marks secured by me in the theory paper of M.Sc Mathematics 2nd Semester paper M205 Operation Research and M.Sc 4th Semester Paper (M403) Fluid Dynamics held in the year 2016.

Name of candidate – Nabaranjan Sarmah
Roll No. 06120069, Regd. No. 00369 of 2008-09
Study Center CKB Commerce College, Jorhat.
Mobile No. 93655 22697 Whatsapp No. 60260 33855
Address Tilikiam Samanay Path
P.O. Tilikiam, Via NEIST, P.S. Pulibor, Jorhat 785006, Assam
2. Reportedly on not being satisfied with the information received, the petitioner filed a complaint petition before the Commission on 26.8.2022 stating as follows: *Quote* I had sent an RTI application to the SPIO, IDOL Gauhati University on 17.5.2022 by registered post. The SPIO however refused to receive the RTI application with post office returning my application with the note “Refused RTS” on 24.5.2022. Following this, I sent the same RTI application again by registered post on 16.6.2022. This time too, my application was returned with the note “Refused RTS” on 22.6.2022. Since this is a case of denial of my right to information, as such I humbly request you to register a COMPLAINT case in the Commission under the relevant provisions of the RTI Act, against the SPIO, Institute of Distance and Open Learning, Gauhati University. *Unquote*.
3. Accordingly, a notice was issued to the SPIO, Gauhati University, Jalukbari and the Director i/c. , Gauhati University, Institute of Distance and Open Learning, Gauhati University, Jalukbari Guwahati by the Commission on 31.10.2022 and the matter was taken up for hearing.
4. The petitioner said that his RTI petition was returned with the noting of the Postal Department “refused”.
5. The petitioner though submitted a complaint petition, at the same time sought the information. Therefore he intimated to take it as 2nd appeal petition in getting the information as well apply section 20 of the RTI Act, 2005 for not furnishing the information or refusal to accept the order.

6. The Public Authority is represented by Prof. Amit Choudhury, Director, Institute of Distance & Open Learning accompanied by Dr. D Talukdar, Controller of Examination i/c, Gauhati University.
7. Dr. Prasanta Barman, Deputy Registrar and SPIO, Gauhati University has submitted a written statement dated 1.11.2022 wherein it is mentioned that the subject matter relates to Controller of Examination of Gauhati University and accordingly he has written to SPIO & Controller of Examination, Gauhati University to remain present on the next date of hearing and take necessary action.
8. The Controller of Examination, Gauhati University vide written statement dated 2.11.2022 has mentioned that Gauhati University follows University order dated 10.12.2009 on obtaining of photocopy of answer script etc. by depositing fee of Rs 220/-.
9. In this connection, the Commission would like to enlighten the Controller that the RTI Act, 2005 (A Central Act) has overriding power even over official secrecy Act. The RTI Act, 2005 obviously gets supremacy over the Gauhati University procedure normally followed in obtaining the copy of the answer script.
10. However, in this particular case since the petitioner (candidate) has taken recourse to the RTI Act 2005, the provision of the RTI Act 2005 u/s 6(2) has to be implemented *quotes*
6(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. *Unquote*.
11. In light of the above, since the petitioner letter was returned back, the Commission orders that the petitioner will submit an application immediately with necessary fees of Rs10/- and the SPIO i.e., Controller of Examinations, Gauhati University, Guwahati should furnish the information within 10 days.
12. As regards to the refusal of RTI letter due to non-posting of SPIO, the Commission perused the letter of IDOL, Gauhati University and accepts it.
The Commission advises the Directorate of IDOL, Gauhati University to appoint SPIO in compliance to Section 5(1) of the RTI Act, 2005 which quotes Every public authority shall, within one hundred days of the enactment of this Act, designate as many officers as Central Public Information Officers or State Public Information Officers, as the case may be, in all administrative units or offices under it as may be necessary to provide information to persons requesting for the information under this Act. Unquote.
13. However, since this is first such case in The Institute of Distance and Open Learning, Gauhati University, Jalukbari Guwahati, the Commission doesn't like to recourse to penalty provision (as prayed by the petitioner) of Section 20 of the RTI Act, 2005.
14. The case is disposed off.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/JRT 14/2022

Dtd. 05.11.2022

Copy to:

1. The SPIO, Gauhati University, Gopinath Bardoloi Nagar, Guwahati 14, Assam for information
2. The Director (i/c), Gauhati University, Institute of Distance & Open Learning (GU IDOL), Guwahati 14 for information and necessary action.
3. The petitioner Sri Nabaranjan Sarmah, Tikiliam Samanay Path, P.O. Tikliam, Via NEIST, Jorhat 785006 for information and necessary action.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission