



In the Tripura Information Commission
P. N. Complex : Gorkhabasti : Agartala

Complaint No 13 of 2006-07.

Smti Sikta Dey
DRW, Education Inspectorate
Dharmanagar : North Tripura
Represented by her father Sri Dharendra Ch. Dey..... Complainant

Vs

The Director of School Education, Government of Tripura, Agartala
.....Opposite Party

In the matter of a complaint under section 18
of the Right to Information Act, 2005.

PRESENT:

1. Sri B.K.Chakraborty
State Chief Information Commissioner

2. Sri D.K.Daschaudhuri
State Information Commissioner

For the Complainant: 1.Smti Sikta Dey
2.Sri Dharendra Ch. Dey

For the Respondent: 1. Sri Anil Ch. Das, State Public Information Officer in
the Directorate of School Education, Government of
Tripura on behalf of the Opposite Party.

Date of lodging complaint: 01.09.2006

Dates of hearing argument: 15.09.2006

Date of pronouncing judgment: 15.09.2006

JUDGMENT & ORDER

Facts:

1. This complaint arises out of a petition dated 29.08.2006 submitted by Sri Dharendra Ch. Dey representing her daughter Smti Sikta Dey, DRW, Education Inspectorate, Dharmanagar (here-in-after referred to as the complainant) as received by this Commission on 01.09.2006 by courier post. It is alleged that the complainant made a written request to the Director of School Education, Government of Tripura (here-in-after referred to as the Opposite Party- for short OP) on 20.07.2006 by registered post seeking some information along with fees



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of Rupees Fifteen in the form of IPO. But the OP has not responded to the said request till 29.08.2006. Hence, the complainant approached this Commission seeking appropriate redress for disclosure of the information.

2. Since the allegation discloses deemed refusal of information by the OP, the petition is admitted as a complaint under section 18 of the RTI Act, 2005 (here-in-after referred to as the Act).

3. In response to the summons, Sri Anil Ch. Das, State Public Information Officer (SPIO) in the Directorate of School Education, Government of Tripura appeared before the Commission and submitted a written representation signed by the OP. It is admitted by the OP that he has received the written request of the complainant on 29.07.2006. But as the written request did not accompany the application fee of Rupees Ten in cash, it could not be entertained. Therefore, the SPIO in the Directorate of School Education, Government of Tripura returned the written request along with the IPO of Rupees Fifteen to the complainant by registered post on 07.09.2006. It is also stated that the OP has advised the complainant to present a fresh application along with the application fee in cash.

Point for decision:

4. In the facts and circumstances of the case, the only point to be decided is if the complainant sent a valid request seeking information and if the OP was under obligation to disclose the information on that request.

Reasons for decision:

5. It is admitted fact that the complainant sent the written request along with fees of Rupees Fifteen in the form of IPO, which is not acceptable under the Tripura RTI Rules, 2005. So, the concerned Public Authority cannot be blamed for non-disclosure of the information acting on the said invalid written request.

6. It is observed by this Commission that the OP being the head of the Public Authority has not responded to the written request within the statutory period. It is imperative on the part of the Public Authority to render necessary assistance to a requester to make the written request in order. In the instant case, the mode of payment of application fee is admittedly not proper. But the OP should have informed the complainant being the requester immediately after receipt of the request to make the written request in order by depositing the application fee in cash, which has not been done by him. However, since the OP has ultimately asked the complainant to deposit the application fee in prescribed manner to have the information, we are taking a lenient view of the laches of the OP. Another point is noted by the Commission is that the OP has returned the written request to the complainant asking him to file a fresh written request which is not supported by any provision of the Act. The OP should have retained the written request and asked the complainant being the requester for information to deposit the application fee in prescribed manner.



7. The complainant is at liberty to make written request afresh along with the application fee of Rupees Ten in cash to the concerned SPIO as per provisions of section 6(1) of the Act and thereafter the latter shall dispose the same as per provisions of section 7 of the Act.

Decision:

8. In fine, the complaint is dismissed with the observations made in paragraphs 6 & 7 above.

9. Let copy of the judgment and order be sent to the Complainant, the OP and the SPIO in the Directorate of School Education, Government of Tripura free of cost.

10. Pronounced.

Sd/-
(D.K.Daschaudhuri)
State Information Commissioner

Sd/-
(B.K.Chakraborty)
State Chief Information Commissioner

Authenticated.


(Sudhir Sarkar)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION


P. N. Complex : Gorkhabasti : Agartala

Complaint No. 13 of 2006-07/ 801-03

September 15, 2006

Copy to:

1. Smti Sikta Dey, C/O Sri Dharendra Ch. Dey, Vill & P.O.- Dewanpasha, Dharmanagar, North Tripura, Pin- 799250 (Complainant).
2. The Director of School Education, Government of Tripura, Agartala (Opposite Party).
3. Sri A.C.Das, SPIO in the Directorate of School Education, Government of Tripura, Agartala.


(Sudhir Sarkar)
Secretary
Tripura Information Commission