



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

Appeal No 03 of 2007-08.

Smt. Sampa Debnath  
C/O Sri Chandan Kr. Debnath,  
P.O.- Kathalia, Vill- Dakshin Maherpur,  
Sonamura, Tripura ( West ), Pin- 799007

.....Appellant

Vs.

1. Dr. Manas Deb, TCS. Gr-I, Joint Director of School Education, Government of Tripura, Agartala (First Appellate Authority).
2. Sri A.C. Das, Senior Research Officer, Directorate of School Education, Government of Tripura, Agartala (SPIO).
3. Sri Parimal Debbarma, Accounts Officer, Directorate of School Education, Government of Tripura, Agartala(SAPIO).....Respondents

In the matter of a second appeal under section 19(3)  
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 Appellant: Smt Sampa Debnath herself.

- For the Respondents:
1. Dr. Manas Deb, TCS. Gr-I, Joint Director of School Education, Government of Tripura, Agartala(FAA).
  2. Sri A.C. Das, Senior Research Officer, Directorate of School Education, Government of Tripura, Agartala (SPIO).
  3. Sri Parimal Debbarma, Accounts Officer, Directorate of School Education, Government of Tripura, Agartala (SAPIO).

Date of lodging complaint: 18.06.2007

Date of hearing argument: 09.07.2007 & 12.07.2007

Date of pronouncing judgment: 26.07.2007

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JUDGMENT & ORDERFacts

1. This second appeal under section 19(3) of the RTI Act, 2005 (for short the Act) arises out of a memorandum of appeal dated 18.06.2007 of Smt. Sampa Debnath (here in after referred to as the appellant) received by this Commission on the same day.

2. Facts leading to this second appeal are that the appellant made a written request on 12.04.2007 to the State Public Information Officer (SPIO) in the Directorate of School Education, Government of Tripura, Agartala on payment of Rs. 10/- in cash as application fee seeking the following information under the Act: -

- (i) Total list of offer getting candidates with names, full address and year of passing Honours or P.G. degree in Chemistry.
- (ii) Merit position of the candidates in Interview Board and also in certificates.
- (iii) Economic condition of those families.
- (iv) Seniority position of the requester along with all candidates who got offers.

3. In response to the said request, Sri Parimal Debbaarma, Accounts Officer and the State Assistant Public Information Officer (SAPIO) in the Directorate of School Education, Government of Tripura sent a letter vide No.F.18(1-55)/SE-E/(RTI)/07 dated 08.05.2007 to the appellant stating that since the recruitment process of PGT was not completed, the information regarding PGT, Chemistry might be supplied only after completion of the process. Being dissatisfied with the said decision of the SAPIO, the appellant preferred a first appeal on 10.05.2007 to Dr. Manas Deb, Joint Director of School Education, Government of Tripura being the First Appellate Authority (FAA) seeking disclosure of full information pertaining to recruitment of PGT in Chemistry. The FAA although heard the appeal on 11.06.2007, but did not deliver any judgment within the statutory period. Hence the appellant preferred this second appeal before this Commission for getting the information as sought for vide her written request dated 12.04.2007. The appellant furnished photocopies of the written request dated 12.04.2007, the memorandum of first appeal dated 10.05.2007 and letter No.F. 18(1-55)/SE-E/(RTI)/07 dated 08.05.2007 of the SAPIO along with the memorandum of appeal.

4. On perusal of the memorandum of appeal with enclosures, it is found in form and within time and, therefore, is admitted as second appeal under section 19(3) of the Act.

5. In response to the summons, Dr. Manas Deb, Joint Director of School Education, Government of Tripura, Agartala- FAA (Respondent 1), Sri Sri A.C. Das, Senior Research Officer, Directorate of School Education, Government of Tripura, Agartala-SPIO (Respondent2) and Sri Parimal Debbarma, Accounts Officer, Directorate of School Education, Government of Tripura, Agartala-

SPIO (Respondent 3) appeared and submitted their respective written representations.



6. The appellant, on 12.07.2007 has also submitted a rejoinder to her memorandum of appeal after receiving the copies of the written representations of the Respondents.

Issues for decision:

7. In consideration of the memorandum of appeal with enclosures and the rejoinder thereto, the written representations of the Respondents, the following issues are required to be decided: -

- (i) Is the appellant has the right to have access to the information sought for under her written request dated 12.04.2007?
- (ii) Is there any denial of the information to the appellant as sought for by her?
- (iii) Is there any contravention of the provisions of the Act by the Respondents?
- (iv) To what relief the appellant is entitled?

Reasons for decision:

8. Issue No.(I) & (ii) : For the sake of convenience, the first two issues are taken together for discussion. In his written representation, the Respondent1 stated that he has decided the first appeal dated 10.05.2007 preferred by the appellant on 21.06.2007 with a direction to the SPIO to supply the following documents as sought for by the appellant: -

- (a) The copy of the list of the candidates who have been given offer of appointment to the post of PGT,( Chemistry ) with their address, year of passing Hons/ PG degree.
- (b) Merit position of the offer getting candidates at interview board and also according to the certificates.
- (c) The economic condition of the offer getting families.
- (d) Seniority position of the appellant along with the candidates who have received the offer of appointment.

9. The Respondent1 has also confessed that there has been delay on his part in disposing of the first appeal for lack of knowledge about the duties and responsibilities of the FAA and he assured that henceforth he would act strictly according to the provisions of the Act.

10. In course of hearing, it transpires that the Respondent 2 & 3 have not complied with the order of the Respondent1 delivered in the first appeal on 21.06.2007. However the Respondent2 being the SPIO assured the Commission that he would provide all the information to the appellant in compliance with the order of the FAA passed in the first appeal on 21.06.2007. Accordingly, he provided all the required information to the appellant vide his covering letter No.F.18(1-55)SE-E/(RTI)/07 dated 13.07.2007, a copy of which has also been

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endorsed to this Commission. Perusal of the said letter reveals that the Respondent 2 being the SPIO provided full information as sought for by the appellant vide her written request dated 12.04.2007. So, after having the information provided by the Respondent 2, the appellant should not have any grievance as agitated in this second appeal. The first two issues are decided accordingly.

11. Issue No.(iii): After careful appreciation of the communication made by the Respondent3 being the SAPIO with the appellant, it is observed that being an SAPIO he exercised the power of the SPIO without having been designated as SPIO, which is contrary to the provision of section 7 (1) of the Act. It is submitted by the Respondent 2 that during the period in question, he was on leave and his work was looked after by the Respondent 3. But no record is produced to show that the Respondent 3 was specifically designated as SPIO by the Public Authority. So, we are constrained to direct that the Public Authority should be vigilant and ensure that no vacancy is caused in the office of the SPIO due to either proceeding on leave by the SPIO or transfer of the officer holding the post of SPIO in order to avoid any harassment to the citizens.

12. It is also observed that the Respondent 1 being the FAA has taken 42 days time to dispose of the first appeal preferred by the appellant. As per provision of section 19(6) of the Act, an appeal under sub section (1) of section 19 of the Act is required to be disposed of within 30 days of the receipt of the appeal or within such extended period not exceeding a total period of 45 days from the date of filing thereof, as the case may be, for reasons to be recorded in writing. In the present case, the Respondent 1 has taken 42 days to dispose of the appeal without recording any reason for his failure to dispose of the same within 30 days of the receipt of the appeal. The Respondent 1 confessed that the delay was caused due to his lack of knowledge about the relevant provisions of the Act and he assured the Commission that he would abide by the provisions of the Act strictly in future.

13. Having regard to the discussion made here in above, we are of the view that although there were some sort of contraventions of the provisions of the Act on the part of the Respondent 1 and 3 with regard to the manner of disposal of the written request of the appellant, but there had been no malafide intention to deny the disclosure of the information to the appellant and ultimately the appellant has been provided with the information as sought for by her. So, we do not think it wise to view the laches on the part of the Respondent 1 and 3 seriously. However, they are directed to be more careful in future in dealing with the written request for information of the requester and the first appeal in strict adherence to the provisions of the Act.

14. Issue No.(iv): It has already been discussed in paragraph- 9 that the Respondent 2 being the SPIO has already provided the required information to the appellant in terms of her written request dated 12.04.2007 leaving no room for providing any further information to the appellant.

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Decision:

15. In fine, the appeal is disposed of with the findings arrived at in the preceding paragraphs.

16. Let copy of this judgment & order be sent to the Appellant and the Respondents. Also send a copy of this judgment and order to the Director of School Education, Government of Tripura being the head of the Public Authority.

17. Pronounced.

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

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

Authenticated.

(S.C. Saha)  
Secretary

Tripura Information Commission

TRIPURA INFORMATION COMMISSION  
P. N. Complex: Gorkhabasti : Agartala

Appeal No.03 of 2007-08/720-24

July 26, 2007

Copy to: -

1. Smt. Sampa Debnath, C/O Sri Chandan Kr. Debnath, P.O.- Kathalia, Vill-Dakshin Maherpur, Sonamura, Tripura ( West ), Pin- 799007, Mobile Phone No- 9436486347 (Appellant).
2. Dr. Manas Deb, TCS. Gr-I, Joint Director of School Education, Government of Tripura, Agartala (First Appellate Authority).
3. Sri A.C. Das, Senior Research Officer, Directorate of School Education, Government of Tripura, Agartala (SPIO).
4. Sri Parimal Debbarma, Accounts Officer, Directorate of School Education, Government of Tripura, Agartala (SAPIO).
5. The Director of School Education, Government of Tripura, Agartala (Head of the Public Authority).

(S. C. Saha)  
Secretary

Tripura Information Commission