



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

Complaint No 21 of 2007-08.

Sri Sushanta Pal, Assistant Teacher  
Bardowali High (Class XII) School  
A.D. Nagar, Agartala.....Complainant

Vs.

1. Sri Sanjit Saha, Headmaster, Bardowali High (Class XII) School, A.D. Nagar,  
Agartala(SPIO).....Opposite Party  
2. Smt. Sikha Rani Deb, Assistant Headmistress, Bardowali High (Class XII) School,  
A.D. Nagar, Agartala ..... Third Party

In the matter of complaint under section 18(1)  
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: The complainant himself.  
For the Opposite Party: Sri Sanjit Saha, Headmaster, Bardowali High (Class XII) School, A.D. Nagar, Agartala (SPIO).  
For the Third Party: Smt. Sikha Rani Deb, Assistant Headmistress, Bardowali High (Class XII) School, A.D. Nagar, Agartala.

Date of lodging complaint: 05.10.2007  
Dates of hearing: 01.11.2007 & 15.11.2007  
Date of pronouncing judgment: 28.11.2007

JUDGMENT & ORDERFacts:

1. This complaint under section 18(1) of the RTI Act, 2005 (for short the Act) arises out of a petition dated 05.10.2007 of Sri Sushanta Pal (here in after referred to as the complainant) received by this Commission on the same date.
2. It is alleged by the complainant that in response to his written request dated 22.08.2007 accompanying with the requisite application fee of Rs. 10/-, the Opposite Party (OP), Sri Sanjit Saha, Headmaster, Bardowali High (Class XII) School, Agartala being the State Public Information Officer (SPIO) provided part and superficial information on 21.09.2007 under the Act. Hence, the complainant approached this Commission for having access to the full information. Along with the complaint, the complainant furnished photocopies of his written request dated 22.08.2007 and the letter dated 21.09.2007 of the OP communicating the information.
3. On perusal of the written complaint, adequate materials are found to take its cognizance under section 18(1) of the Act.
4. In response to the summons, OP Sri Sanjit Saha appeared and submitted his written representation.
5. In course of hearing on 01.11.2007, it transpires that the OP being the SPIO considered the submission of a third party Smt. Sikha Rani Deb, Assistant Headmistress, Bardowali High (Class XII) School, Agartala in disposing of the written request of the complainant in issue. So, in the interest of the principle of natural justice, this Commission considered that this complaint should be enquired into and decided in presence of the said third party. Accordingly, Smt. Sikha Rani Deb was directed to appear and place her submission, if any. In compliance with that, Smt. Deb appeared and filed her written submission before this Commission on 15.11.2007.
6. In course of hearing on 01.11.2007, it also transpires that the complainant did not mention specific and precise grounds of complaint as to which information were not provided to him by the OP, which he considered to be part and superficial. So, this Commission directed him to submit rejoinder giving specific details of the grounds of complaint on 15.11.2007. Accordingly, the complainant submitted a rejoinder on the said date wherein he agitated that the seniority list provided to him was not the seniority list of the Hons/Post Graduate Teachers as sought for by him. He remained absolutely silent about any other information sought for by him.

↓  
C



Points to be decided:

7. In consideration of the complaint with rejoinder, the written representation of the OP and the submission placed by the third party, the following points are required to be decided: -

- (i) Is the information pertaining to the seniority list of the Hons/Post Graduate Teachers provided by the OP being the SPIO to the complainant adequate?
- (ii) Is the complainant entitled to have access to any further information?

8. Point No.(i) : We have carefully considered the written complaint with rejoinder, the written representations of the OP, the written submission made by the third party and also the oral submissions made by both the parties. It is alleged by the complainant that the seniority list of the Hons/Post Graduate Teachers as provided by the OP is not the relevant seniority list as sought for by him. We consider it proper to reproduce here the description of the information pertaining to the seniority list as sought for by the complainant vide his written request dated 22.08.2007, which are quoted below: -

4. Seniority list of Hons/Post Graduate Teacher on 01.03.1987 of our school.
5. Seniority list of Hons/Post Graduate Teacher on 01.01.2005 of our school".

9. In response to the said request, the SPIO provided the information vide his letter No.F.1(5)-BDHS/07/462-463 dated 21.09.2007 as thus :-

"4. A copy of the seniority list approved by the Directorate of School Education basing on existing staff w.e. from the date of joining is enclosed. This will serve the purpose of the item No. 4,5 and 9 as demanded".

Along with said letter, the OP also enclosed the copy of the seniority list dated 25.05.2006 containing full particulars of the concerned teachers. The OP in his rejoinder dated 14.11.2007 (submitted to this Commission on 15.11.2007) clarified further that there exists no separate seniority list of 1987 and there is only one seniority list of the Hons/Post Graduate Teachers in his school, copy of which has already been furnished to the complainant.

10. The complainant in his rejoinder dated 15.11.2007 agitated that the copy of the seniority list furnished to him on 21.09.2007 by the OP is not similar to the seniority list, copy of which has been furnished before this Commission. The latter copy bears signature of the teachers, which are absent in the copy furnished to

CL



him. It is clarified by the OP that the seniority list with signature of the teachers was, in fact, a draft seniority list. The complainant has been furnished with the copy of the final seniority list, which does not contain the signature of the teachers.

11. We have compared the copies of both the draft and final seniority lists and found them to be similar in contents except that in the final seniority list the signature of the concerned teachers were not there, which is quite probable. According to the established procedure, the final seniority list does not require to be signed by the concerned employees/ teachers. The OP categorically stated that there was no separate seniority list for 01.03.1987 or 01.01.2005 and there was only one seniority list in existence, copy of which had been provided to the complainant. The complainant could not adduce any material documentary evidence to rebut the contention of the OP, which is supported by material papers and documents. We are, therefore, inclined to accept the contention of the OP.

12. Having regard to the discussion made here in above, we are constrained to hold that the complainant has been provided with adequate information pertaining to the seniority list of the Hons/Post Graduate Teachers of Bardowali High (Class XII) school in response to his written request dated 22.08.2007.

13. Point No.(ii): In view of the findings arrived at in the preceding paragraphs, we find no further information left to be provided to the complainant.

14. Before parting with the judgment, we consider it expedient to put it on record that the OP being the SPIO in communicating the information to the complainant did not use the form No.2 as prescribed in the Appendix of the Tripura Right to Information Rules, 2005. As required under section 7(8) of the Act, he was under obligation to communicate to the complainant being the requester for information the following: -

- (i) the period within which an appeal may be preferred against the decision of the SPIO ; and
- (ii) the particulars of the appellate authority to whom the appeal should be preferred.

But the OP being the SPIO has failed to discharge his legal obligation, as a result of which the complainant had been deprived of the opportunity of preferring the first appeal against the decision of the SPIO to the departmental appellate authority. So, the OP is directed to be more careful in future to deal with the request for information in strict adherence to the provisions of the Act.

cc.



Decision:

15. In fine, the complaint is dismissed on contest with the observations made in paragraph- 14 above for future guidance of the OP (SPIO).

16. Let copy of this judgment and order be sent to the complainant, the OP and the third party. Also send a copy of this judgment and order to the Director of School Education, Government of Tripura, Agartala 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

Complaint No. 21 of 2007-08/1109-12

November 28, 2007

Copy to:

1. Sri Sushanta Pal, Assistant Teacher, Bardowali High (Class XII) School, A.D. Nagar, Agartala (Complainant).
2. Sri Sanjit Saha, Headmaster, Bardowali High (Class XII) School, A.D. Nagar, Agartala (SPIO).
3. Smt. Sikha Rani Deb, Assistant Headmistress, Bardowali High (Class XII) School, A.D. Nagar, Agartala (Third Party).
4. The Director of School Education, Government of Tripura, Agartala (Head of the Public Authority).

(S.C. Saha)  
Secretary