

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

No.MIC/Appeal/53/2009/5,

Shri Shamsul Haque, Village Silkata, West Garo Hills - Appellant

-Vrs-

District Mission Coordinator, SSA, West Garo Hills, Tura - Respondent

11-6-2009

ORDER

The Appellant in this case is Shri Shamsul Haque, President, Village Employment Council, Silkata, West Garo Hills.

The case of the Appellant is that he had filed an R.T.I. application before the P.I.O. namely the District Mission Coordinator, District Unit SSA-SMAM, West Garo Hills, Tura, on 17th April, 2009 requesting certain information from him regarding constitution of Silkata U.P. School under S.S.A. the members of the Managing Committee and appointment of teachers etc. However, the P.I.O. he has not provided him with the information nor a response till the date of the filing of the instant Appeal i.e. 8-6-2009. Hence the instant Appeal before the Commission.

Under the provision of Section 19(1) of the R.T.I. Act, 2005, any person who does not receive a decision by the P.I.O. within the statutory period of 30 days or is aggrieved by the decision of the P.I.O. he may within the period of 30 days from the expiry of such period or from the date of receipt of such decision, prefer the First Appeal before such officer who is senior in rank to the P.I.O. of the same Public Authority known as the First Appellate Authority. This is the first level of Appeal. The Second Appeal shall lie within 90 days from the date on which decision of the D.A.A. was made or was received by the Appellant, with the State Information Commission against the decision of the First Appellate Authority.

In the instant case, the Appellant has chosen to approach the Commission by way of an Appeal. In Appeal case, only the Second Appeal can be preferred before the Commission. The present Appellant should have exhausted the remedy available with the Public Authority by way of First Appeal before preferring an Appeal before the Commission. Appeal rejected.

(G.P.Wahlang)
C.I.C.

Dated Shillong, the 11th June, 2009

Memo. No. MIC/Appeal/53/2009/5-A

Copy to:-

Shri Shamsul Haque, President, Village Employment Council, Village Silkata, West Garo Hills,
C/o A.S. Siddiqui, Advocate, High Court, Shillong Bench, Shillong.

(P.T.Rani)
Under Secretary,
Meghalaya State Information Commission,
Shillong.