

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

...
No. MIC/Appeal/63/2009/15,

Shri S.K.Singh, Barapathar, Shillong - Appellant

-Vrs-

(1) Headmaster, Madan Laban Nepali Secondary School, Shillong (PIO)
(2) Inspector of Schools, East Khasi Hills, Shillong (DAA) } Respondents

28-7-2009

ORDER

Both the appellant and the Respondents are present in the Commission today.

The case of the appellant is that he filed an R.T.I. application on 1-8-2008 to the Respondent No. 1 viz., the Headmaster Madan Laban Nepali Secondary School, Shillong requesting certified copies of the accuitance roll in respect of Madan Laban Nepali, Secondary School for the year 1995 to 2000. Instead of receiving the information requested, the appellant received a response from the Respondent-PIO who, vide letter No.NHS/RTI/2008/09 dated 26-8-2008, refused to furnish information giving certain grounds. The appellant vide letter No. 1108/SKS/RTI/05/54 dated 27-8-2008 and letter No. 1108/SKS/RTI/05/138/41 dated 5-12-08 counteracted the refusal of the Headmaster/PIO to furnish him the information. However, vide letter No. NHS/RTI/2009/01 dated 26-3-2009, the Respondent-PIO had again informed the appellant that the information could not be furnished being exempted under Section 8(1)(j) of the R.T.I. Act. Failing to receive the information from the Respondent/APIO the appellant made an appeal before the D.A.A. viz., the Inspector of Schools, East Khasi Hills, Shillong on 6-5-2009. Failing to receive any decision by the D.A.A., he had preferred the instant appeal before the Commission vide his petition dated 22-6-2009.

Vide Order dated 16-7-2009, the Commission had asked the D.A.A. viz., the Inspector of Schools, East Khasi Hills, Shillong to submit a report on the First Appeal submitted by the appellant. The report furnished by the First Appellate Authority dated 27-7-2009 stated that she received appeal dated 6-5-2009 from the appellant and vide letter No. IS/MNLSS/RTI/2009/3288 dated 2-6-2009 had instructed the Respondent-PIO to furnish the requested information.

Having heard both the Respondents and the appellant and having examined the matter in details the Commission made the following observations:

1. That the response by the Respondent-P.I.O. vide letter No. NHS/RTI/2008/09 dated 26-8-2008 though made within the statutory period of 30 days is not a positive response inasmuch as he did not indicate the approximate time required to furnish the information nor did he indicate any rejection of the request. The second communication dated 26-3-2009 is made well after the statutory period is over and is not therefore a valid action under the Law. Any

refusal made by the PIO under the Law must be communicated within the statutory period of 30 days.

2. The First Appeal was preferred by the appellant before the First Appellate Authority on 6-5-2009. The original R.T.I. application was filed on 1-8-2009. The period of validity for making the first appeal expired on 1-10-2009. Hence, the instant first appeal has been preferred seven months after the expiry of the validity period and is time-barred under the Law.
3. Presuming that there is sufficient grounds for condoning the delay of appeal before the First Appellate Authority (the consideration of which is absent in the instant case,) the direction issued by the First Appellate Authority to the PIO to furnish the information does not prescribed any time limit for such action on the part of the PIO.

Though both the Respondents and the appellant have not followed the correct procedure in the instant case, considering the fact that the information requested relates to the accuitance roll which has already been audited by the Director of Local Accounts and is very much in the public domain, the Commission directed the PIO viz., the Headmaster, Madan Laban Nepali Secondary School, Shillong to furnish the information to the appellant within a period of 10 days from the date of this Order with intimation to this Commission.

Case disposed off.

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

Memo. No. MIC/Appeal/63/2009/15-A

Dated Shillong, the 28th July, 2009

Copy to:-

- (1) Headmaster, Madan Laban Nepali Secondary School, Shillong (PIO)
- (2) Inspector of Schools, East Khasi Hills, Shillong (DAA)
- (3) Shri S.K.Singh, C/o Limbu Compound Barapathar, Shillong – 2.

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