

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

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No. MIC/Complaint/111/2009/21

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

-Vrs-

(1) P.I.O., Directorate of Elementary & Mass Education, Govt. of
Meghalaya } Respondents
(2) Director, Elementary & Mass Education, Govt. of Meghalaya (DAA) }

11-12-2009

ORDER

The complainant in this case is Shri S.K. Singh of Barapathar, Shillong.

The case of the complainant is that he had filed an R.T.I. application on 16-9-2009 before the Respondent No. 1 viz., the P.I.O., Directorate of Elementary & Mass Education, Govt. of Meghalaya, Shillong requesting for certified copies of the original R.T.I. application submitted by him vide letter No. 1108/SKS/RTI/05/157 dated 21-4-2009. Failing to receive the information requested within the statutory period of 30 days the complainant had preferred the instant complaint before this Commission under section 18(1)(b) of the R.T.I. Act. Consequent upon receipt of the above complaint, a show cause notice was issued vide Order dated 12-11-2009 on the Respondent-PIO returnable on 27-11-2009. However, instead of receiving a show cause from the Respondent-P.I.O. the Director, Elementary & Mass Education, Govt. of Meghalaya, who is not a respondent in the case, responded with a show cause-cum-written statement vide letter No. DEME/GB/MISC/6/2007/404 dated 25-11-2009. The show-cause has been turned down by the Commission and the P.I.O. given a chance to file a show cause on or before the 11-12-2009.

The P.I.O. viz., Smti A.I.Lyngdoh, Dy. Director, Elementary & Mass Education, Govt. of Meghalaya, filed a show cause dated 25-11-2009 which was received in the Commission late in the date on 27-11-2009. In the show cause the P.I.O. submitted that the D.A.A. received the Appeal No. 1108/SKS/RTI/05/157 dated

20-4-2009 from the complainant and had already disposed it vide Order dated 4-5-2009 directing the A.P.I.O. to furnish full information to the appellant.

On receiving the Order dated 16-7-2009 from the Commission in case No. MIC/Appeal/65/2009/5 filed by Shri S.K.Singh, and finding no pending case except Appeal No. CSS/ISI/RTI/4051/2009/02 dated 4-5-2009 along with enclosures No. CS/IS/RTI/4041/2009/01 dated 14-3-2009, the Director, Elementary & Mass Education & D.A.A. had informed the Commission vide letter No. DEME/GB/Misc. dated 28-7-2009 of the facts and enclosed a copy of the aforesaid pending Appeal. The P.I.O. further submitted that in the aforesaid pending Appeal, Shri C.S.Singh had made an appeal to the Director, Elementary & Mass Education against the P.I.O. office of the Inspector of Schools, East Khasi Hills, Shillong knowing fully well that the Inspector of Schools, does not fall within the public authority of the Directorate of Elementary & Mass Education but within the public authority of the Directorate of Higher & Technical Education. That, through oversight due to multiplicity of R.T.I. applications/appeals and complaints received from the complainants pertaining to the same School, viz., Madan Laban, L.P/U.P. School, the D.A.A., viz., the Director, Elementary & Mass Education, had wanted to convey the Commission that the appeal was disposed of and also furnished before the Commission the above wrong appeal made by the complainant resulting to the Commission passing necessary Order in Appeal case No.MIC/Appeal/65/2009/5 dated 28-7-2009. That there is no attempt to withhold information to the complainant as all his R.T.I. applications/Appeals correctly addressed to the public authority have been disposed of. She further informed that the relevant information involved in the instant complaint has also been furnished to the complainant. If, there has been any delay in furnishing information, it is because of some confusion created by multiplicity of his R.T.I. requests and appeals before the same authority on the same subject.

Having examined the matter in detail, the following observation and decisions are made by the Commission:

(1) While disposing the case No. MIC/Appeal/65/2009, the Commission based on the report submitted by the First Appellate Authority who furnished a copy of the wrong appeal made by the complainant, noted, vide Order dated 28-7-2009 “that the appellant by furnishing to the Respondent-DAA a wrong copy of the original application has denied for himself any action which the D.A.A. could have taken on his appeal petition”. The Commission, therefore, observed that the Respondent-D.A.A. in the above case, had submitted documents before this Commission which are not relevant to the case at hand. The Commission noted with great concern such lapses on the part of senior officer of the rank of D.A.A. and cautioned him from repeating such lapses in future.

(2) The Respondent-PIO in the instant case, stated that she had already furnished the information requested to the appellant. She had tried to explain the delay in furnishing the information as due to existence multiplicity of such R.T.I. applications received on the same subject which raised certain confusion in her mind, and, that she had no intention to withhold the information. The Commission has not appreciated the reason given for delay but agreed the possibility of a confusion created by multiplicity of R.T.I. applications filed by some persons with the same public authority on the same subject. Though the liability of a penalty is not imposed on her in the instant case, the Commission recommended that the Respondent-PIO keep proper registers of all R.T.I. applications so that no such confusion may arise in future because of multiplicity of such R.T.I. applications.

Case disposed of.

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

Memo. No. MIC/Complaint/111/2009/21-A Dated Shillong, the 11th December, 2009
Copy to:-

- (1) P.I.O., Directorate of Elementary & Mass Education, Meghalaya, Shillong.
- (2) Director, Elementary & Mass Education, Govt. of Meghalaya (DAA).
- (3) Shri S.K.Singh, C/o Limbu Compound Barapathar, Shillong – 2.

(S.F.Khongwir)
Secretary,
Meghalaya State Information Commission,
Shillong.