



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیشن اسٹیٹسٹونڈ کشمیر جموں ا

(Constituted under The Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

[www.jksic.nic.in](http://www.jksic.nic.in)

\*\*\*\*\*

File No. SIC/K/SA/53/2016

Decision No. SIC/K/SA/53/2016/36

Appellant : Sh. Gh. Mohd Ganai S/o Gh. Nabi Ganai,  
R/o Akhran Tehsil Devsar, Distt. Kulgam

Respondent : PIO O/o Dir. School Education Kashmir

Date of Registration : 07.05.2016

Date of Decision : 30.05.2016

Brief facts of this case are that appellant filed second appeal on 07.05.2016 stating that PIO O/O DSEK Srinagar remained at default for not disposing his RTI application dated 09.12.2015 within the stipulated time. That on 08.03.2016, he filed First Appeal before FAA O/o DSEK Srinagar, but he too remained at default for not disposing the instant appeal. In view of the above, it is prayed that cognizance of second appeal may be taken against the defaulters and penalty proceedings be initiated against them as warranted under the norms of the Act.

In response to the notice of the Commission, Mr. Saif Ali Chowhan, Jt. Director School Education Kashmir/FAA filed reply/counter statement dated 23.05.2016 interalia submitting that the appeal was forwarded to CEO Kulgam on 15.03.2016 for providing information/counter statement and CEO Kulgam provided information regarding Point B & C vide letter dated 23.05.2016. Regarding Point-A of the application, the representation from Gh. Mohammad Ganaie Master Middle School Nowpora, Zone Devsar Kulgam was forwarded to Chief Education Officer, Kulgam vide letter dated 11.01.2016 for furnishing detailed report, which is still awaited till date. That the information received from CEO has been supplied to the information seeker. Copy of counter reply is marked to the appellant along with the information including reply of CEO dated 23.05.2016 communication dated 15.01.2016 from the OSD DSEK to PIO and communication of DSEK to CEO Kulgam dated 11.01.2016, on the subject “*representation of Sh. Gh. Mohammad Ganai Master Middle School Nowpora, Zone Devsar Kulgam*”.

Mr. Saif Ali Chowhan, Jt. Director School Education Kashmir/FAA attended the hearing. The appellant did not attend the hearing although notice was send to him through registered post on 16.05.2016.

From perusal of information enclosed, it is evident that information as available on records of DSEK in respect of Point-A and information received from CEO in respect of Point B & C have been provided to the appellant.

As per the records, the RTI application addressed to PIO Directorate of School Education Kashmir was sent through post on 09.12.2015. PIO O/o DSEK has neither filed reply/counterstatement nor appeared before Commission on the date of hearing. Further, there is no evidence on record that the application was disposed of and forwarded to

Chief Education Officer Kulgam under Section 6(3) of J&K RTI Act. Therefore, PIO Directorate of School Education Kashmir is directed to explain as to why proceedings under Section 17 of J&K RTI Act, 2009 shall not be initiated against him for not disposing of the RTI application within stipulated time. His explanation shall reach the Commission within two weeks from receipt of this order.

The appeal is disposed of with the above directions.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

**Copy to the:-**

1. FAA/Jt. Director School Education Kashmir
2. PIO O/o Directorate of School Education Kashmir
3. CEO Kulgam
4. Pvt. Secy to HSIC (K)
5. Sh. Gh. Mohd Ganai S/o Gh. Nabi Ganai, R/o Akhran Tehsil Devsar, Distt. Kulgam

**(G.Q.Bhat)**  
**Registrar,**  
**J&K State Information Commission**