



Jammu and Kashmir State Information Commission

(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

File No. SIC/CO/SA/408/2016
Case No. SIC/ CO/SA/408/2016/946

Appellant : Vinod Singh Parihar.
Respondent : Public Information Officer (PIO) SSB.
Date of decision : 21-04-2017
Decision : Appeal disposed of.

I. Brief facts of the case.

The Appellant Sh. Vinod Singh Parihar, a resident of the State, while exercising his request for information filed an application under section 6 of the J&K RTI Act, 2009 with PIO, SSB, Jammu on 02-05-2016 seeking information relating to OMR sheets and answer keys of Smt. Deepika Parihar and Smt. Shabnam Ara who had appeared for selection for the post of teacher in the notification 06 of 2013 dated 10-05-2013. The PIO has responded to the RTI application on 07-06-2016 informing the appellant that the scanned images of the said OMR sheets has not been received from the selection agency as yet. Aggrieved by the response of the PIO the appellant filed 1st appeal on 01-09-2016 however, his 1st appeal was not disposed of by the First Appellate Authority (FAA).

As a last resort, the appellant filed 2nd appeal with the Commission.

II. Proceedings before the Commission.

During the hearing before the Commission on 21-04-2017, APIO of SSB and the appellant were present. However, neither FAA nor PIO caused their appearance before the Commission despite the notice having being served upon them through prescribed mode of service.

III. Decision:

The Commission takes a very stern view of the non-appearance of the respondents during hearing today, particularly the PIO, Dr. Rehana

Akhtar Bijli, KAS. PIO's primary duty is to give priority to RTI matters. PIO cannot shirk from his/her responsibility by remaining absent during the hearing before the Commission. Further, J&KSSB as a Public Authority has erred in its duty by sending the APIO to the hearing before the State Information Commission. This shows the state of affairs in the J&KSSB office in dealing with the RTI matters. The APIO has limited responsibility under section 5(2) of the J&K RTI Act, 2009 i.e to forward the RTI applications to the PIO, First Appellate Authority or the Commission. APIO cannot be a substitute for the PIO in the hearings before the Commission.

In view of the above, the Commission directs the PIO, Dr. Rehana Akhtar Bijli, KAS to explain her absence during the hearing before the Commission despite notice having been served upon her. Her reply shall reach the Commission within 15 days from the receipt of this order.

The appellant has been provided part information. However, balance information if any, should be provided to him within one week from the receipt of this order. The Appellant is free to file complaint in case of non-compliance of the Commission's order by the respondents. A copy of this order be served on Dr. Rehana Akhtar Bijli, KAS, PIO, J&K SSB through Chairman, J&KSSB for compliance.

2nd appeal is accordingly disposed of.

-sd-

(Khurshid A. Ganai) *IAS Retd.*,
Chief Information Commissioner.

Copy to the:

1. Chairman J&KSSB, for compliance of the order.
2. First Appellate Authority (FAA), J&KSSB for compliance of the order.
3. Dr. Rehana Akhtar Bijli, KAS PIO, J&KSSB for compliance of the order.
4. Sh. Vinod Singh Parihar, appellant, for information.
5. Guard file.

(Shiekh Fayaz Ahmad)
Registrar,
JK State Information Commission.