



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیری 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

File No. SIC/K/SA/14/2017

Decision No. No. SIC/K/SA/14/2017/ **16**

Appellant : Mr. Ab. Qayoom

Respondent : First Appellate Authority (FAA)/Public Information Officer (PIO) Directorate of School Education Department Kashmir (DSEK)

Date of Registration : 16.03.2017

Date of Decision : 20.06.2017

Brief Facts:

Brief facts of the case are that the appellant Shri Ab. Ab. Qayoom Master filed 2nd appeal before the Commission on 19.12.2016 against FAA/PIO Directorate of School Education Kashmir. The appellant in his 2nd appeal has alleged that he filed an application for seeking information from PIO, DSEK on 02.04.2016 and the said PIO instead of providing him the information circulated the same to District Pulwama and Shopian and point wise specific information has not been provided to him. Thereafter, after filing of First Appeal before the designated FAA, he (appellant) did not receive any further information. The appellant has requested the

Commission to direct the concerned officers to provide him the complete and specific information.

As per records of the 2nd appeal, the appellant vide RTI application dated 02.04.2016 has sought information from the Directorate of School Education Kashmir (DSEDK) on 13 queries related to fake appointments/officials in School Education Department. Thereafter, the appellant filed First Appeal before FAA/DSEK on 0306.2016 on the ground that the information received from CEO's Shopian and Pulwama is incomplete. Later on, against the non-action of FAA, the appellant filed the instant 2nd appeal before the Commission on 19.12.2016. On scrutiny of the documents, it was found that the 2nd appeal is barred by limitation and accordingly, the appellant filed an application for condonation of delay on 17.02.2017. The Commission was pleased to condone the delay and appeal was admitted on 16.03.2017.

Proceedings:

In response to notice of the Commission, Shri Zahoor Ahmad Bandy/PIO DSEK has filed reply/counterstatement to 2nd appeal dated 20.03.2017 interalia submitting that the information received from Chief Education Officers Pulwama/Shopian has been supplied to the information seeker vide letter dated 18.06.2016.

The 2nd appeal was partly heard by the Commission on 15.05.2017, during which Shri Saif Ali Chohan Jt. Director/FAA DSEK and appellant Shri Ab. Qayoom were present. However, the hearing was adjourned with the following directions:

“After hearing both the parties, Public Information Officer (PIO) is directed to ascertain from the records as to which information item wise has been provided and which information is yet to be provided or is not available/cannot be provided. The PIO’s report in this behalf should reach the Commission by or before next date of hearing.”

The appeal was accordingly listed for hearing today on 20.06.2017. Shri Saif Ali Chohan, Jt. Director/FAA DSEK & Shri Zahoor Ahmad Banday, PIO DSEK attended the hearing. Appellant, Shri Ab. Qayoom did not attend the hearing.

Directions:

During the proceedings of the hearing, Shri Zahoor Ahmad Banday, PIO DSEK stated that there are many enquiries going on against the appellant in the Directorate. It is suspected that he has got appointed through fraudulent means. The PIO also informed that whatever information was available with them, they have provided the same to the appellant.

While taking note of the submissions made by the PIO and also by the FAA regarding the ongoing enquiries against the appellant, the previous order of the Commission dated 15.05.2017 reproduced above is reiterated for compliance except for that information which may interfere

with the ongoing enquiry proceedings against the appellant or in any way jeopardize the fairness of such proceedings.

Accordingly, the 2nd appeal filed before the Commission is disposed of.

Sd/-
(Khurshid A. Ganai) *IAS Retd*
Chief Information Commissioner

Copy to:

1. Jt. Director/FAA Directorate of School Education Department
Kashmir
2. PIO/ O/o Directorate of School Education Department, Kashmir
3. Pvt Secy to HCIC J&K Srinagar
4. Appellant-Sh Abdul Qayoom (Master) R/o Nishat, Srinagar
5. Office file

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission