



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/J/A/20/2017

Decision No. SIC/J/A/20/2017/29

Final Order

(Second Appeal)

Appellant : Sh. Sheraz Hussain Bhat

Respondents : First Appellate Authority (FAA)/
Joint Director (SSA), Directorate of School
Education, Jammu and
Public Information Officer (PIO)/
Chief Education Officer (CEO), Ramban

Date of Registration : 11.04.2017

Date of Decision : 31.07.2017

Brief Facts:

This is a second appeal filed under section 16 (4) of the J&K Right to Information Act, 2009 (hereinafter Act for short) in the J&K State Information Commission on 21.02.2017 by Sh. Sheraz Hussain Bhat S/o. Gh. Mohi-ud-din Bhat, R/o. Tethar, Banihal District: Ramban, Pin: 182146 (admitted after completion of deficiencies on 11.04.2017). The appellant interalia submitted that he had filed an RTI application with

the PIO, Directorate of School Education, Jammu via speed post on 18.07.2016 seeking the following information:

- **Photocopy of SRO-123 and Government Order No. 11-EDU of 2014 dated: 02.01.2014 which was issued in pursuance of private education institutions (Regulation & Control) Act, 1967.**

Apart from the above, the appellant also sought copy of following documents from Aalam Shah Convent Institute, Dershipora-Banihal, District: Ramban.

- 1. Copies of Notification of detailed fee structure of all classes from January 2013 till date (including Transport Fee, Admission Fee, Admission Fee & Tuition Fee etc.).**
- 2. If Fee Structure has been increased during this period, kindly provide approval copy of SFFC (School Fee Fixation Committee), from Director, School Education and from Parents Association.**
- 3. Salary of all staff members (Teaching as well as non-teaching) since January, 2014 till date, as well as Employee Provident Fund Deduction Copy.**
- 4. Whether the school is registered with Income Tax Department (documentary proof) and copy of payment of taxes @33% (including surcharge if any) if made by the school since its establishment.**
- 5. If school is established under a trust, (copy of trust deed).**
- 6. Copy of Registration by virtue of which the school has been registered with Registrar of Societies under Societies Registration Act.**

The appellant further submitted that the PIO, O/o. Director, School Education Jammu transferred the RTI application to CEO, Ramban vide his letter dated: 26.07.2016. That he filed First Appeal before FAA, O/o. Director, School Education, Jammu on 15.10.2016 which was disposed of

on 25.11.2016 with directions to CEO, Ramban to provide the desired information to the appellant, free of cost, within a week's time positively under intimation to that office. That aggrieved by the wrong information provided by the FAA and PIO, he filed Second Appeal which is under consideration.

In view of the above he has requested the State Information Commission (SIC) for passing directions to FAA and PIO concerned for providing him the full information.

Proceedings:

In compliance to the notice of the SIC Dr. Chander Shekhar, CEO, Ramban-cum-PIO and Mr. Vikram (representative of the FAA) attended the hearing. The appellant did not attend, neither personally nor through video conferencing from Ramban although he was offered the facility.

From the perusal of records placed across the file, prima facie it appears that this is a motivated RTI case filed by the appellant to settle his salary claim for winter months of 2014-15 from the school which was later settled in the office of Assistant Labour Commissioner, Ramban on receipt of Rs. 10,000/- by the appellant. The contents of the RTI application were apparently meant only to put pressure on the School Management to redress a personal grievance i.e. release of salary. It is a classical case of using RTI for the settlement of a personal matter. Since the appellant had a personal grievance he should have approached the higher authorities i.e. CEO, Ramban, Director School Education, Jammu etc. rather than moving an RTI application seeking largely unrelated information. His RTI application sought information about the Government Rules governing the

private schools and about the financial details of the Trust including information pertaining to Income Tax etc. It is not clear whether the requisite information has been provided in full by the CEO, Ramban. However, the ZEO, Banihal has informed the CEO, Ramban/PIO that information has been dispatched to the information seeker. A copy of the settlement between the appellant & Aalam Shah Convent Institute, Dershipora-Banihal, District Ramban in the presence of Assistant Commissioner (Labour), Ramban has been placed in the file and it (settlement) states that the dispute between the Trust/School and Sh. Sheraz Hussain Bhat has been settled amicably by way of payment of Rs. 10,000/- which the appellant was claiming from the said Trust/School. It will therefore serve no purpose for this 2nd appellate forum to give directions for providing the information asked for as the appellant is apparently now not interested in the same.

Needless to state here, it is important that the PIOs and FAAs give information promptly in terms of the Act & the Rules and do not give any quarter for misuse of this 'Sunshine Law' i.e. the J&K RTI Act, 2009. It is also incumbent on the citizens to discourage abuse of the rights given to them by the said law.

With these observations the second appeal is disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-

(Khurshid A. Ganai) *IAS Retd.*
Chief Information Commissioner
J&K State Information Commission

No: SIC/J/A/20/2017_____

Dated: . . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Joint Director (SSA), Directorate of School Education, Jammu for information.
3. PIO/Chief Education Officer, Ramban for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Sheraz Hussain Bhat, S/o. Gh. Mohi-ud-din Bhat, R/o. Tethar, Banihal District: Ramban, Pin code 182146.
6. Office file.

(Rita Koul)
Deputy Registrar
J&K State Information Commission