



**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**

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File No. SIC/J/A/30/2017  
Decision No. SIC/J/A/30/2017/39

Appellant : Sh. Mukhtar Ahmad

Respondent : First Appellate Authority (FAA) Director School  
Education Department Jammu/ Public  
Information Officer (PIO)/Chief Education  
Officer, Poonch

Date of Registration : 24.05.2017

Date of Decision : 25.09.2017

**Brief Facts:**

The appellant Shri Mukhtar Ahmad moved an RTI application on 15.09.2016 before the Chief Education Officer (CEO)/PIO Poonch seeking information regarding education qualification of one Shri Mohammad Bashir. The PIO/CEO Poonch did not provide the information sought by the appellant but supplied the copy of the objections filed by one Shri Mohammad Bashir on the ground of 3<sup>rd</sup> party under Section-11 of the J&K RTI Act, 2009 refusing the disclosure of the requisite information.

Feeling aggrieved of the inaction of the PIO, the appellant preferred the 1<sup>st</sup> Appeal before the FAA of the Directorate of School Education, Jammu on

11.11.2016. The FAA instead of deciding the 1<sup>st</sup> Appeal, directed the PIO to provide the information to the appellant. The PIO again provided the same set of the information (documents/copy of objection filed by Shri Mohammad Bashir).

The appellant preferred the 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 22.03.2017 and prayed that the PIO be directed to provide the requisite information and take action against the respondents for not providing the information as per provisions of the J&K RTI Act, 2009.

The 2<sup>nd</sup> appeal was heard by the Commission on 22.08.2017. The hearing was attended by Sh. Darshan Lal, Jt. Director cum FAA, O/o Director, School Education, Jammu through video conferencing from Jammu Office of the Commission. The appellant attended the hearing through video conferencing from NIC Office, Poonch. The PIO/CEO did not attend.

“ In view of the submissions made by the FAA, the appellant and the non presence of the PIO, the hearing was adjourned with the following directions to PIO/CEO to personally attend the hearing on the next date alongwith relevant records.”

The 2<sup>nd</sup> appeal again came for hearing today on 25.09.2017. Sh. Darshan Lal, Jt. Director cum FAA, Sh. Mushtaq Ahmad I/C CEO (Principal DIET Poonch) attended the hearing through video conferencing from Jammu office of the Commission. The appellant did not attend.

**Decision:**

The FAA and the PIO were present during the proceedings. Appellant did not attend. The I/C CEO cum PIO stated that his predecessor CEO who was the then PIO has already provided whatever information was available to the applicant. It was also seen from the papers on file that Xen PHE Department, Poonch/PIO

has provided information to the appellant in another RTI filed by him seeking information about the same person Mohammad Bashir S/o Wali Mohammad R/o Chaktroo, Mandi Poonch, an employees of PHE Department, Poonch.

In the absence of the appellant no Specific cognizance can be taken of either the conduct of the PIO as regards his duties under the RTI Act or of the specific balance information that is yet to be provided. *It will therefore be sufficient to direct that the PIO/CEO, Poonch will again peruse the original application of the applicant and see what information has been already provided and if there is any information which remains to be provided that may also be provided to the appellant.*

With these directions, the 2<sup>nd</sup> appeal filed before the Commission is disposed of.

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

Copy to the:-

1. FAA/ Jt. Director O/o Director School Education Jammu
2. PIO/Chief Education Officer, Poonch.
3. Appellant—Sh. Mukhtar Ahamd S/o Sh. Mohamad Sadiq R/o Village Chakatroo Tehsil Haveli Distt. Poonch.

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