



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

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File No. SIC/CO/SA/476/2017

Decision No. SIC/CO/SA/476/2017/**1013**

**Final Order:**

Appellant : Sh. Tariq Ahmad, S/O Mohd.Latief,  
R/O Lane No.06 Firdousabad near Crescent  
Educational Institute, Batamaloo.

Respondent : FAA/PIO Higher Education Department, J&K.

Date of decision : **11-10-2017**

Decision : Appeal disposed of.

**Brief Facts:**

Briefly the facts of this appeal are that the appellant while exercising his right to information filed RTI application dated 24-02-2017 with the Public Information Officer, (PIO) Higher Education Department, Civil Secretariat, Jammu seeking following information:

1. Please provide me with Xerox of the relevant documents (including the latest mutual recognition and equivalence certificate) that can be ascertain the validity/equivalence of the ASRB-ICAR NET (Agricultural Scientist Recruitment Board- Indian Council of Agriculture National Eligibility Test) in the discipline of Environmental Science with the UGC NET certificate.
2. Please provide me with Xerox of the relevant documents that can that the ASRB-ICAR NET (Agricultural Scientist Recruitment Board- Indian Council of Agriculture National Eligibility Test) in the discipline of Environmental Science is at par with the UGC NET certificate with regard to eligibility criteria for the post of Assistant Professor in the subject Environmental Science in the academic colleges of Higher Education Department, as on date.

3. Please provide me with Xerox of the relevant documents that can ascertain that the ASRB –ICAR NET (Agriculture Scientist Recruitment Board Indian Council of Agriculture national Eligibility Test) in the discipline of Environmental Science is at par with the UGC NET certificate with regard to eligibility criteria for the post of Assistant Professor in the subject Fisheries in the academic colleges of Higher Education Department, as on date.
4. Please provide me the complete documentary details regarding the number of contractual lecturers working in the colleges of Kashmir Division in the subject Environmental Science, whose eligibility has been decided/determined on the basis of the ASRB-ICAR NET in the year 2014-15 and 2016-17.
5. Please provide me the complete documentary details regarding the number of contractual lecturers working in the colleges of Jammu Division in the subject Environmental Science, whose eligibility has been decided/determined on the basis of the ASRB-ICAR NET in the year 2014-15 and 2016-17.
6. Please provide me the complete documentary details regarding the number of contractual lecturers working in the colleges of Kashmir Division in the subject Fisheries, whose eligibility has been decided/determined on the basis of the ASRB-ICAR NET in the year 2014-15 and 2016-17.
7. Please provide me the complete documentary details regarding the number of contractual lecturers working in the colleges of Jammu Division in the subject Fisheries, whose eligibility has been decided/determined on the basis of the ASRB-ICAR NET in the year 2014-15 and 2016-17.
8. Please provide me the complete documentary details regarding the number of contractual lecturers working in the colleges of Jammu Division in the subject Zoology, whose eligibility has been decided/determined on the basis of the ASRB-ICAR NET in the year 2014-15 and 2016-17. (please provide me the Xerox of these NET certificates).
9. Please provide me the complete documentary details (name and qualification of the incumbents) regarding the educational qualifications of the Assistant Professors in the subject Environmental Sciences with respect to ASRB –ICAR NET eligibility at the time of their appointment, appointed in 2009 in J&K Higher Education Department.

The PIO transferred his RTI application to the Nodal Principals Amar Singh College, Srinagar and Government Gandhi Memorial (GGM) Science College, Jammu on 10-03-2017 under section 6(3) of the J&K RTI Act, 2009. Nodal Principal GGM Science College vide letter dated 23-03-2017 informed the appellant that as per the available record no candidate has been engaged in the subjects of Environmental Sciences, Fisheries and Zoology in the year 2014-15 and 2016-17 where eligibility had been decided/determined on the basis of ASRB-ICAR NET in Jammu Division Colleges.

Therefore, the appellant filed 1<sup>st</sup> appeal with First Appellate Authority (FAA)/Director J&K Higher Education Department, Civil Secretariat, Jammu on 07-04-2017. His 1<sup>st</sup> appeal was not disposed of by the FAA, which resulted in filing of 2<sup>nd</sup> appeal received in the SIC on 15-06-2017.

### **Proceedings before the State Information Commission(SIC):**

The 2<sup>nd</sup> appeal came up for hearing before the SIC on 11-08-2017. The hearing was attended by Sh. Irfan manzoor, PIO, Higher Education Department, Civil Secretariat, Srinagar and authorized representative of the appellant. The appellant submitted that he has not received the information so far. The PIO stated that the information was pertaining to Nodal Principal Amar Singh College and Nodal Principal GGM Science College, Jammu. He further submitted that RTI application was transferred to the said Principals under section 6(3) of the J&K RTI Act, 2009 for providing the information to the appellant and in response the Nodal Principal GGM Science College and Nodal Principal Amar Singh College, Srinagar vide letter dated 23-03-2017 and 25-03-2017 respectively have provided the available information to the appellant. He also filed counter statement duly signed by him and the Director Colleges, Higher Education Department. During the hearing, the appellant was provided the copy of communication bearing No. ASC/Edu/17/333 dated 25-03-2017 (two pages) from the office of Principal Amar Singh College, Srinagar addressed to Commissioner/Secretary Higher Education Department, Civil Secretariat, Jammu and three pages of other documents relating to his case.

After hearing both the parties the appeal was adjourned with the directions for appearance of Principals of Amar Singh College, Srinagar and GGM Science College, Jammu due to the fact that RTI application was transferred to them under section 6(3) of the Act.

**Time period for disposal of this 2<sup>nd</sup> appeal was also extended by another 60 days w.e.f 15.08.2017 in terms of powers vested in the SIC under Section 16 (11) of the J&K RTI Act,2009 to ensure continuation of hearings for final and judicious disposal of the appeal.**

During the hearing on 19-09-2017 before the SIC, Sh. Irfan Manzoor PIO, Higher Education Department, Civil Secretariat, Srinagar, Dr. Yasmeen Ashai, Principal Amar Singh College, Srinagar and Dr. Satinder Singh, Principal GGM Science College, Jammu appeared before the SIC. The appellant did not attend despite due notice.

From the submission of both the Principals and the PIO and after perusal of record, it became clear that all the available information has been provided to the appellant. However, the SIC observed that the issue which remained was that the FAA had not disposed of the 1<sup>st</sup> appeal.

The hearing was adjourned after hearing the parties. Sh. G.N Tibet Baqal FAA/Director Colleges was directed to give reasons as to why he did not decide the 1<sup>st</sup> appeal in terms of section 16 of the J&K RTI Act, 2009. However, both the Principals were exempted from appearance on the next hearing.

The final hearing in the appeal was attended by Sh. G.N Tibet Baqal FAA/Director Colleges and Sh. Irfan Manzoor PIO, Higher Secondary Department. The appellant did not attend despite due notice.

**Decision:**

***The SIC stressed upon the FAA to be careful in the future while dealing with the 1<sup>st</sup> appeals filed with him as the FAA is an important point of contact for dissemination of information to the information seekers. The SIC reminded the FAA of his added responsibility under section 16(3) of the J&K RTI Act, 2009 which enjoins upon him to make a reference to the SIC about the PIO who is found wanting in the discharge of his duties as the PIO in violation of the provisions of the Act. The FAA assured that he will be careful in the future.***

***As the appellant did not attend in the hearing, the appeal is decided on its merits; that the information sought by the appellant stands provided to him as informed by the two PIOs.***

***It will be pertinent to point out here that transfer of RTI application under Section 6(3) of the J&K RTI Act in this case could have been avoided had the PIO of the Higher Education Department resorted to Section 5 (4), collected the information from the two principals (Nodal Officers and PIOs within the same Public Authority i.e, Higher Education Deptt.) and the delay for the appellant/applicant in obtaining the information would have been much less and he could have been facilitated, as is the objective expressed under Section 5(3) which says 'Every Public Information Officer shall deal with requests from persons seeking information and render reasonable assistance to the persons seeking such information'.***

The 2<sup>nd</sup> appeal is disposed of subject to the above directions/observations.

**Copy of the order be provided free of cost to all the parties including the Principals, Amar Singh College, Srinagar and GGM, Science College, Jammu in their capacity as Nodal Officer/PIO for Kashmir and Jammu divisions respectively.**

**-sd/-**

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

No. SIC/CO/SA/476/2017

Dated: / /2017.

Copy to the:

7. First Appellate Authority (FAA) J&K Higher Education Department/Director Colleges for information.
8. Public Information Officer (PIO), J&K Higher Education Department for information.
9. Principals/PIOs, Amar Singh College, Srinagar/GGM Science College Jammu for information.
10. PS to CIC for information of HCIC.
11. Sh. Tariq Ahmad, S/o Mohammad Latief R/o Firdous Abad Lane No-06 near Crescent Educational Institute Batamaloo, Srinagar.
12. Guard file.

(Dr. Ghulam Mohi-ud-din)  
Joint Registrar,  
J&K State Information Commission.