



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/J/A/147/2017

Decision No. SIC/J/A/147/2017/**180**

Final Order:

Appellant : Sh. Mashkooor Ahmad, S/o Sh. Shair Mohammad
Khan,
R/o Mangota Tehsil Marma, District Doda

Respondent : FAA/PIO, Education Department.

Date of Registration : 18-11-2017.

Date of decision : **15-03-2018.**

Decision : Appeal disposed of.

Brief Facts:

Briefly, the facts of this case are that the appellant Sh. Mashkooor Ahmad, while exercising his right to information filed an RTI application with the Public Information Officer (PIO)/Chief Education Officer, Doda on 05-11-2017 seeking information regarding application forms of candidates who had applied for the post of RET of Zone Assar with their qualification/documents (attested copies), documents of selected candidates, marks cards and slips. On failure of the PIO to provide the requisite information, the applicant filed 1st appeal with First Appellate Authority (FAA)/Director School Education, Jammu. The FAA disposed of the 1st appeal directing the PIO to provide the information to the applicant. The ZEO vide communication dated 01-03-2017 provided information to the appellant. However, the appellant was not

satisfied with the information provided and hence filed the 2nd appeal before the SIC on 06-11-2017.

Proceedings before the State Information Commission(SIC):

The instant 2nd appeal was listed for hearing before the State Information Commission on 16-01-2018. The hearing was attended by Sh. Mohammad Sharief, PIO/CEO, Doda. However, the appellant was not present. The PIO submitted that full information as sought by the appellant has been provided to him through registered post. Copy of postal receipt was also submitted by the PIO as proof of having sent the information.. The case was adjourned with the directions to the appellant to file his rejoinder by next date of hearing.

The appeal again came up for hearing before the SIC on 16-03-2018. The hearing was attended by representatives of both FAA as well as PIO. The appellant did not appear nor did he submit any rejoinder in respect of the information sent to him by the PIO through post..

Decision:

The appellant was also not present during the last hearing. His continued absence indicates that he has lost the interest in pursuing the appeal before the SIC. Such kind of non-seriousness on the part of the appellant results in wastage the time and energy of the Commission which could have been utilized for hearing other appeals and complaints. The only interference that can be drawn by the Commission is that the appellant has either received the information and is satisfied with the said reply or that the appellant is not interested in pursuing the matter any further. Filing of an appeal before the SIC and then not pursuing the same amounts to mis-use of the RTI mechanism, which needs to be discouraged. In absence of a provision for penalizing non-

serious applicants, the SIC can only dismiss the appeal for non-prosecution.

The appeal is therefore, dismissed for non-prosecution.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/J/A/147/2017

Dated: / /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Director, School Education, Jammu, Rajouri Circle for information.
- 2 Public Information Officer (PIO), Chief Education Officer, Doda for information.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Mashkooor Ahmad, S/o Sh. Shair Mohammad Khan, R/o Mangota Tehsil Marma, District Doda.
- 5 Guard file.

(Sheikh Fayaz Ahamd)
Registrar,
J&K State Information Commission.