



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/K/SA/02/2018

Decision No. SIC/K/SA/02/2018/07

Final Order

Appellant : Sh. Bashir Ahmad Mir
Mir R/o Sadiq Abad Rakh Sultanpora,
Sumbal Bandipora

Respondent : Public Information Officer (PIO)/
Chief Education Officer, Bandipora

Date of Registration : 19.12.2017

Date of Decision : 12.04.2018

The brief facts of this 2nd appeal are that that the appellant filed an RTI Application dated 13.09.2017 before the PIO/ CEO Bandipora seeking information on 09 points regarding EGS Centre, Sadiq Abad, appointment of ReTs Mohammad Yousuf Dar and Farooq Ahmad Dar etc. as mentioned in the said RTI application. As no information was provided to the applicant by the PIO/CEO Bandipora within the

stipulated period, the appellant filed the First Appeal before the FAA O/o Director School Education Kashmir on 18.10.2017. In view of non-response of the FAA, the appellant filed the 2nd appeal before the State Information Commission (SIC) on 19.12.2017 stating that he requested for information from the PIO/CEO Bandipora vide application dated 13.09.2017 but information was not provided to him within the stipulated time. Thereafter, the appellant filed the First Appeal before the FAA who also did not provided him the requisite information. That as reported by the concerned dealing assistant, Mr. Mohammad Yousuf Hajam of ZEO Office Sumbal, the reply of Point 1, 2, 3, 4 and 5 of the RTI application are not traceable in Zone Office, Sumbal. However, Point-6, 7 and 8 is incomplete and bogus. That the rubber stamps constructed by the headmaster and head teacher are apparently bad, illegal and unlawful, as the head teacher has changed seals with the order of higher authorities for their own benefit. That School's name was mentioned as SSA Primary School Sadiq Abad Rakh Sultanpora, the concerned teachers have illegally changed its name as Primary School Sadiq Abad Gunchipora which is totally baseless name. That the school is situated and sanctioned in Sadiq Abad Rakh Sultanpora. The

appellant has requested the SIC for issuance of appropriate information under RTI act, 2009, take an immediate action in the matter and impose penalty under law.

This 2nd appeal came up for hearing on 20.03.2018. The parties were heard through video conferencing from Jammu Office of the SIC. Mr Z A Bandy, PIO O/o Director School Education, Kashmir, Sh. Ishtiyaq Ahmad Mir, ZEO, Sumbal and the appellant Sh. Bashir Ahmad Mir attended the hearing through video conferencing from Srinagar office of the Commission. PIO/CEO, Bandipora was absent and it was reported that he has not been able to attend the hearing because of some administrative meeting.

The statutory time period of sixty days in this 2nd appeal had expired on 17.02.2018 and accordingly the time period for disposal was further extended by another sixty days in terms of Section 16(11) of the J&K RTI Act, 2009 to enable the SIC to conduct more hearings for judicious and appropriate disposal in the interest of the objectives of the J&K RTI Act, 2009.

The hearing in the 2nd appeal was adjourned with the following directions:

In view of the absence of the PIO/CEO, Bandipora and non-disposal of the RTI application by him, as PIO, he needs to explain the reasons for such non-disposal and also absence. The First Appellate Authority (FAA) of the Directorate of School Education, Kashmir also needs to explain the reasons for non-disposal of the First Appeal filed before him on 18.10.2017. A copy of the counter statement of the PIO/CEO, Bandipora was submitted during the hearing. It was directed that a copy of the counter statement be handed over to the appellant for his rejoinder.

The 2nd appeal again came up for hearing on 09.04.2018. Mr. Munshi Mohammad Javaid PIO/CEO Bandipora, Mr. Ishtiyaq Ahmad Lone, PIO/ZEO Sumbal and appellant Sh. Bashir Ahmad Mir attended the hearing.

The hearing in the 2nd appeal was adjourned with directions to the PIO/CEO Bandipora to provide a copy of the counter statement dated 07.04.2018 along with the enclosures filed by him to the appellant soon after the culmination of the hearing. The appellant was directed to go through the counter statement and file rejoinder,

if any, before the Commission by or before the next date of hearing, which was fixed on 12.04.2018 at 3.30PM. Parties were personally informed about the next hearing fixed for 12.04.2018 during the hearing on 09.04.2018. Registry was also directed to fix the 2nd appeal for hearing accordingly.

The 2nd appeal came up for the final hearing on 12.04.2018 at the Srinagar office of the SIC. The hearing was attended by the CEO Mr. Munshi Mohammad Javaid PIO/CEO Bandipora, Mr. Ishtiyaq Ahmad Lone, PIO/ZEO Sumbal and appellant Sh. Bashir Ahmad Mir.

Decision:

On the last date of hearing i.e., on 09.04.2018 copy of the Counter statement dated 07.04.2018 filed by CEO Bandipora were got handed over to the appellant to enable him to file the rejoinder, which he has not done. However, the appellant has reiterated his main arguments contained in the rejoinder submitted by him to the SIC on 28.03.2018 wherein he has stated that the information in most places is bogus, incomplete and wrong.

Directions:

After due consideration of the history of the appeal, it transpires that the appellant who was a candidate for appointment as ReT in his village, Zone Sumbal is totally dis-satisfied with the information provided to him by the officials of ZEO Office Sumbal and PIO/CEO Bandipora. This he had stated even in the memo of the 2nd appeal and insisted that the school is situated and sanctioned at Sadiq Abad Rakh, Sultanpora is wrongly shown at Gonchipora.

Since the RTI applicant has continuously shown his dissatisfaction with the information provided by the PIO, it is best that the head of the Public Authority/Director, School Education, Kashmir in terms of powers vested in the SIC under Section 16(9)(a), is called upon, to peruse the reply sent by the PIO/CEO Bandipora as information and then have corrected/additional information, as the case may be, sent to the appellant. The Public Authority/Director School Education Kashmir is further directed to ensure that the information is provided para wise in relation to the RTI application and in conformity with the provisions of the J&K RTI Act, 2009. This may be done within a period of 30 days from the date of receipt of

this order by the Director, School Education Kashmir. With these directions, this 2nd appeal is disposed of.

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

Copy to the:

1. Director, School Education Department Kashmir
2. PIO Directorate of School Education, Kashmir
3. PIO/CEO Bandipora
4. Pvt Secy to HCIC J&K Srinagar
5. PIO/ZEO Sumbal, Distt. Bandipora
6. **Appellant**—Sh. Bashir Ahmad Mir S/o M. Ibrahim Mir R/o Sadiq Abad Rakh Sultanpora, Sumbal Bandipora

(M.S. Bhat)
Dy. Registrar
J&K State Information Commission,
Srinagar