



**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/226/2017

Decision No. SIC/J/A/226/2017/206

**Final Order:**

Appellant : Sh. Hakam Din,  
Respondent : FAA/PIO, Education Department.  
Date of Registration : -----  
Date of decision : **11-04-2018.**  
Decision : Appeal disposed of.

**Brief Facts:**

The present appeal has arisen out of RTI request filed by Mr. Hakam Din on 01-06-2017 with Public Information Officer (PIO) Chief Education Officer (CEO), Rajouri seeking information on following points:

1. -----

On failure of PIO for not providing the information the applicant filed 1<sup>st</sup> appeal before the First Appellate Authority (FAA)/Directorate of School Education,

Jammu on 11-09-2017. During the hearing of appeal the PIO/CEO, Rajouri informed the FAA that the information sought for by the applicant has been provided to him on 23-09-2017. The applicant was not satisfied with the said information. The FAA accordingly disposed of the appeal vide his order dated 28-09-2017 directing the PIO to provide the information to the applicant free of cost within a week's time. The applicant filed a 2<sup>nd</sup> appeal before SIC on 26-12-2017 praying for a direction to the PIO to provide the complete information and also for taking action against the PIO under RTI Act. The appeal was admitted by the SIC on 08-02-2018 after making the applicant to remove the procedural deficiencies.

**Proceeding/Decision:**

The appeal came up for hearing before the State Information Commission (SIC) on 13-03-2018. The appellant was not present during the hearing, while as DEPO, Rajouri and ZEO, Kotranka were present on behalf of the respondents. The respondents stated that complete information has been provided to the appellant on 23-09-2017. The respondents also produced a photo copy of the receipt signed by the appellant acknowledging the receipt of information. However, in the said acknowledgement the appellant admits to have received the information comprising of 50 pages but has also stated that he is not satisfied with the said information. Since the appellant was not present during the hearing, the case was adjourned with a view to give an opportunity to the appellant to put forth his case before the SIC and his views about the information provided to him by the PIO.

The appeal again came for hearing before the SIC today on 11-04-2018. The appellant was again not present during the hearing. The respondents were

represented by FAA/Joint Director, School Education Jammu, PIO/CEO, Rajouri and ZEO, Kotranka. In response to the query by the SIC that as to why the appellant was not satisfied with the information provided to him on 29-03-2017 the respondents submitted that in fact the entire information sought by the appellant through his RTI application dated 01-06-2017 has been provided to him. However, by another communication dated 07-11-2017, the appellant had sought certain additional information which has not been provided to him on the ground of being beyond the scope of his basic RTI application. The SIC has gone through the information provided vis-a-vis the basic RTI application of the appellant and has also taken note of the additional information sought by the applicant on 07-11-2017. The PIO is not obliged to provide any information beyond the scope and ambit of the basic RTI application which has given rise to this appeal. Besides the continued absence of the appellant and his failure to avail an opportunity of being heard granted to him by the SIC also indicates that he is not serious about the appeal filed by him. Such non-serious attitude of the appellant amounts to misuse of RTI Law. The respondents had to come from of place like Rajouri leaving their normal office duties unattended for perusing the appeal before the SIC while on the other hand the appellant chooses not to peruse appeal filed by him.

In view of the facts and circumstances the SIC is satisfied that the entire information has been provided to the appellant and nothing further remain for adjudication by the SIC in this appeal. Accordingly, this 2<sup>nd</sup> appeal is disposed of with no further orders/directions.

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

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