

GAHC010003802024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/83/2024

REZZAQUL HUSSAIN
S/O LATE NAYAN ALI, VILL-BANIARPARA, P.O.-GAREMARI, P.S.-BARPETA,
DIST-BARPETA, ASSAM, PIN-781314

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF INFORMATION COMMISSIONER, ASSAM,
JONAKEE COMPLEX, SILPAGRAM ROAD, PANJABARI, GUWAHATI-37

2:THE REGISTRAR
GAUHATI UNIVERSITY
JALUKBARI
P.S.-JALUKBARI
P.O.-JALUKBARI
GHY-14

3:THE CONTROLLER OF EXAMINATION (SPIO)
GAUHATI UNIVERSITY
JALUKBARI
P.S.-JALUKABRI
P.O.-JALUKBARI
GHY-14

4:THE PRINCIPAL
JANAPRIYA COLLEGE
BANIARPARA
P.O.-GAREMARI
DIST-BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MD A ALI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 10.01.2024

The petitioner by way of the present petition has challenged the communication dated 05.12.2023 issued to the Assam Information Commission, Assam, by which it was noted that the petitioner had filed two different RTI applications on 22.07.2023 and 22.09.2023 before the SPIOs, Director of Secondary Education, Assam, but he had only filed a single RTI application dated 21.08.2023 received on 25.08.2023 by the Commission. The said position is disputed by the petitioner on the ground that the RTI application filed him is dated 22.09.2022 and it was transferred by the Gauhati University authorities to the Principal of Janapriya College, Baniarapara, Barpeta vide transfer application dated 12.10.2022. Thereafter, the petitioner had filed the first appeal dated 23.11.2022 before the Controller of Examination, Gauhati University (wrongly denoted as second appeal in the appeal dated 21.08.2023).

2. In view of such position, the Registrar, Assam Information Commission is required to re-examine the appeal of the petitioner dated 21.08.2023 and in the event, it is found that the contention raised by the petitioner hereinabove is correct, to modify the order dated 05.12.2023 and proceed with the matter strictly in accordance with the law.

3. For the said purpose, the petitioner shall submit a certified copy of this order before the Registrar, Assam Information Commission within ten days from today. The Registrar, Assam Information Commission, Assam shall on receipt of the said certified copy shall re-examine the facts as stated in the communicated dated 05.12.2023 in the light of the submission made by the petitioner and recorded hereinabove in this order. On conclusion of such consideration, a speaking order be issued and communicated to the petitioner.

4. In the event, the appeal as preferred by the petitioner is maintainable, the commission shall proceed with the matter in accordance with the law. In the event, the said appeal is found to be not maintainable, the reasons thereof be communicated to the petitioner.

5. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant