GAHC010012722020

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

Case No. : WP(C)/588/2020

RATNAWALI DEVI
W/O. SRI BIRENDRA CHANDRA SARMA, VILL. GOMTHAPARA, P.O. DEODHANIGHAT, P.S. SIPAJHAR, DIST. DARRANG, ASSAM, PIN-784147.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION DEPTT. (SECONDARY), DISPUR, GHY.-06, KAMRUP (M), ASSAM.

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM KAHALIPARA
GHY.-19
KAMRUP (M)
ASSAM.

3:THE SPIO CUM DY. DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHALIPARA
GHY.-19
KAMRUP (M)
ASSAM.

4:THE STATE INFORMATION COMMISSION

NEAR SHILPAGRAM
PANJABARI
GUWAHATI- 37
KAMRUP(M)
ASSAM

REPRESENTED BY THE SECRETARY TO THE COMMISSION

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 16-12-2020

Heard Mr. R.C. Das, learned counsel for the petitioner. Also heard Mr. R. Mazumdar, learned counsel for the Secondary Education Department of Government of Assam including the respondent no. 3 being the SPIO cum Deputy Director of Secondary Education. Also heard Mr. D. Deka, learned counsel for the State Information Commission.

2. The petitioner who participated in a selection process pursuant to an advertisement dated 19.06.2014 for the post of Principal of Burhinagar Junior Secondary School, Mohaliapara in the district of Darrang had made an application under Section 6 of the Right to Information Act, 2005 (in short RTI Act, 2005) for certain information as regards the appointment procedure adopted in respect of the present Principal of Burhinagar Junior Secondary School, namely, Sri Diganta Rajbonghsi. As the reply of the original authority was not found satisfactory, the petitioner also submitted an appeal under Section 19 of the RTI Act, 2005.

3. This petition is instituted on the grievance that the appeal of the petitioner dated 04.11.2019 had not been given its consideration and in the circumstance a direction is prayed for to provide the information sought for by the petitioner.

4. Mr. D. Deka, learned counsel for the respondent no. 4 has raised an objection that the appeal under Section 19 was instituted before an incorrect authority and not before the State Information Commission. It is stated that subsequently the petitioner had incorporated a correction by providing a copy of the corrected application to the learned counsel for the respondent no. 4 , Mr. D. Deka.

5. In the circumstance, we dispose of this writ petition by directing the respondent no. 4 being the State Information Commission, Assam constituted under the RTI Act, 2005 to consider the appeal of the petitioner made under Section 19 of the RTI Act, 2005 and pass a reasoned order thereof. If the information sought for is admissible under the law, the same be provided and if not an appropriate reasoned order be passed as to why it cannot be provided and the petitioner be accordingly communicated.

6. The requirement be done within a period of three months from the date of receipt of the certified copy of this order.

7. Mr. D. Deka, learned counsel for the respondent no. 4, the State Information Commissioner may do the needful to transmit a copy of the corrected appeal petition to the respondent no. 4 for complying with the requirement of this order.

8. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant