

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR



Present: Hon'ble Shri D.N.Padhi, SCIC

Date 19th May, 2009

Complaint Case No. 164/2008

Ashok Pradhan
At-Basukera,
Sakhigopal,
Puri district.....Complainant

-Vrs-

1. Public Information Officer
Directorate of Secondary Education, Orissa
Bhubaneswar.
2. First Appellate Authority,
Directorate of Secondary Education, Orissa
Bhubaneswar.....Opposite Parties

Decision

1. Complainant Ashok Pradhan is present. Kedarnath Acharya, Deputy Director-cum- PIO, Directorate of the Secondary Education, Orissa, Bhubaneswar is present. The First Appellate Authority who was noticed to appear for hearing of the case, has prayed in a written application dated 19.5.2009 to condone his absence as he would be busy with the publication of result of the Annual High School Certificate examination, 2009 . His prayer was accepted in the public interest. Heard and perused the case record. This case arises out of the complaint petition dated 30.1.2008.
2. This case is being heard for the first time. It reveals from the record as well as the submissions of the parties that the Complainant Ashok Pradhan had sought information in form A application dated 26.10.2007 from the PIO, Directorate of Secondary Education on 7 points regarding the illegal appointment of Headmasters, names/designation of Authority

responsible for appointment of 854 Head Master and payment of their salaries with certified photocopies of the relevant documents.


3. The PIO had submitted on 18.05.2009 that as the subject matter of information sought by the Complaint related to 1972 and onwards and it was very difficult to furnish the same on time. However, it seems, the Administrative Section of the Directorate of Secondary Education, Orissa suggested to move Government in the School and Mass Education Department for constitution of a committee to examine all the relevant records for better appreciation and accuracy of the facts in order to provide the required information to the Complainant. Accordingly, the Government were moved vide their letter no.819 dated 8.01.08 under intimation to the Complainant Ashok Pradhan vide Directorate letter no. 63219 dated 24.12.07 and a copy to the Orissa Information Commission for information and record.
4. With reference to the above requests of the Directorate of Secondary Education, the Govt. vide their letter no.3411/S &M.E. dated 18.02.2008 directed that the constitution of a Committee in this regard is not possible and the available information may be furnished to the Complainant early.
5. On receipt of the above direction of the Government the available information had been supplied to the Complainant vide Directorate letter no.13446 dated 3.03.2008 and in obedience to the direction of the State Commission dated 11.11.2008, the Complainant was also allowed to verify and see the relevant documents and letters. According to the request of the Complainant the information available had also been supplied to him vide Directorate letter no.61405 dated 10.12.08 with due acknowledgement.
6. The State Commission upon hearing the above facts were satisfied about the action taken by the PIO and felt that the information sought by the Complainant by way of a questionnaire seeking opinions/clarifications of the present officers in respect of an old case was not within the ambit of the RTI Act,2005.

Nonetheless, as the State Commission did not find any lack of sincerity and dereliction of duty on the part of the PIO in pursuing and supplying the information to the Complainant, the case is disposed of and closed with no orders of penalty.

Pronounced in open proceedings

Given under the hand and seal of the State Commission this 19th day of
May, 2009.




SCIC
19.5.09