

BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR

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

Shri Jagadananda, SIC

Date: 20<sup>th</sup> August, 2009

Complaint Case No.604/2007

Jayanta Kumar Singh  
At-Bhatipada,  
PO-Kuhura,  
Via-Borda,  
Kalahandi district.....Complainant

-Vrs-

Public Information Officer,  
Office of the Inspector of Schools,  
Kalahandi Circle,  
Bhawanipatna.....Opposite Party

Decision

1. Complainant Jayanta Kumar Singh is absent. The same is condoned under Rule 9 (2) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006. Murlidhar Budhia, ex-Senior Clerk ( currently in the office of District Inspector of Schools, Nawapara). Nanda Kishore Bisi, ex-PIO, office of the Inspector of Schools, Kalahandi Circle, Bhawanipatna are present. Heard. Perused the case record. This case arises out of complaint petition dated 11/05/07 and heard by the State Commission earlier on 11/04/08, 19/02/09 and 15/05/09.
2. On perusal of the documents on record it is seen that the PIO in his letter no. 4052 dated 13/06/07 had informed the State Commission that the Complainant had sought ( in form A application dated 20/02/07 received by him 27/02/07) copies of the Managing Committee Resolution of



Kuhura High School for the years 1989 to 2006. In response , he informed the Complainant on 01/05/07 to deposit Rs.422/- towards cost of providing information. The State Commission had held that the intimation should not have been given as the maximum period of 30 days was already over. The Complainant deposited the amount and the said copies consisting of 425 pages were prepared. Then the PIO contacted the Complainant over phone to come and receive the information personally so that additional payment required towards cost of providing the information can be deposited by him. The latter did not appear before the PIO and hence the information consisting of 425 pages were sent to him, free of cost, by registered post which were received by him on 09/06/07. The State Commission had directed on 11/04/08 that Rs.420/-, if received ( not Rs.422/- as reported earlier in the letter under reference) should be refunded to the Complainant immediately.

3. Copy of the form A application has not been filed by the Complainant. The State Commission, therefore, was not in a position to know on that day the mode by which the Complainant wanted to receive the information. As reported by the Inspector of Schools, Kalahandi Circle, Bhawanipatna the information sought for related to Panchayat High School, Kuhura. The Secretary of the said school is the appropriate person who could clarify the movement of RTI application.
4. The form A application dated 20/01/07 was received by the PIO on 27/01/07 and the Complainant was intimated vide letter no. nil on 01/05/07 to deposit Rs.420/- towards the cost of information.
5. On 11/04/08 the State Commission had felt it expedient to call for the presence of Headmaster-cum-Secretary, Panchayat High School, Kuhura to explain the circumstances under which the handling of the RTI application of the Complainant was delayed. Accordingly, notice was issued to him. He was present on 7/3/07 and stated that he received a letter

from the Inspector of Schools, Kalahandi to supply the documents desired by the Complainant. On 14/03/07 he submitted all the documents to the office of the Inspector of Schools. The small delay occurred as some documents were with the Advocate in connection with preparation of a counter in a High Court case. After receiving the documents from the Headmaster, the PIO, Inspector of Schools, Kalahandi Circle, intimated the Complainant on 01/05/07 to deposit the cost of Rs.420/-.

6. As evident after hearing on 19/02/09, no delay had occurred at the level of Sumanta Kumar Neura, Headmaster. Hence he was exonerated on that day.
7. As regards the delay, Nanda Kishore Bisi ex-PIO stated that as the documents were with the Advocate in connection with preparation of a counter to be filed in a High Court case, the information could not be supplied to the Complainant in due time. Being convinced with the above position, evident also from documents, the State Commission exonerated the opposite parties with no orders on penalty and the case was disposed of and closed. Inform the Complainant, who has, anyway, received all documents, free of cost.

**Pronounced in open proceedings**

Given under the hand and seal of the State Commission, this 20<sup>th</sup> day of August, 2009.



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SCIC

20.8.09

*[Handwritten signature]*  
SIC 20/8/09