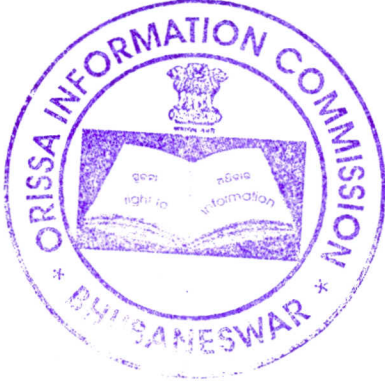


**BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Hon'ble Shri D.N.Padhi, SCIC
Date: 4th March, 2009
Complaint Case No. 1085//2007**

Bibhu Nandan Rath,
House no.70, Hatibandha Street,
Berhampur,
Ganjam district.....Complainant



-Vrs-

Public Information Officer,
Directorate of Elementary Education, Orissa,
Heads of Department Building,
Bhubaneswar.....Opposite Party

Decision

1. Complainant Bibhu Nandan Rath is absent. The same can not be condoned under Rule 9 (2) of the Orissa Information Commission (Appeal Procedure) Rules, 2006. Ajaya Kumar Samal, APIO, Directorate of Elementary Education, Orissa, Bhubaneswar is present. Heard. Perused the case record. This case arises out of complainant dated 20/07/07.
2. This matter was last heard on 05/11/08. The Complainant had sought information in form A application dated 20/11/06 from the PIO, Directorate of Elementary Education, Orissa regarding promotion of Assistant Teachers of aided M.E. Schools from 1985 till date. The PIO intimated the Complainant vide letter no.14264 dated 15/12/06 that the relevant file bearing no. 4S-976-93-II was not traceable.
3. Being aggrieved the Complainant preferred an appeal before the First Appellate Authority on 20/01/07. On his direction, the PIO requested the

Complainant vide letter no.1620 dated 07/02/07 to provide certain supporting information to the Directorate of Elementary Education, Orissa, Bhubaneswar so as to facilitate discovery and the transmission of information. The Complainant on 02/03/07 provided some background information. Thereafter, the Administrative Section (Section 11) of the Directorate was requested to contact the concerned 10 District Inspectors of Schools to furnish the information in order to provide the same to the Complainant. The latter received all the required information on 13/09/07, free of cost.

4. Having heard from the APIO and taking into consideration the documents and written show cause memorandum dated 23/10/08 filed on behalf of the PIO, the State Commission were of the considered view that there was no malafide intention on the part of Narayan Behera, PIO, Directorate of Elementary Education, Orissa, Bhubaneswar. In fact, the information was collected from 10 District Inspectors of Schools, collated and handed over to the Complainant, free of cost. The initial letter of rejection was within the maximum permissible period of 30 days. Information was supplied on the basis of the First Appellate Authority's order. Therefore, in consideration of the totality of the circumstances of the case, the State Commission disposed of and closed the case with no orders on penalty. PIO was exonerated. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 4th day of March, 2009.


SCIC
4.3.09

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