

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Shri Jagadananda, SIC

Date: 11th November, 2008

Complaint Case No. 675 / 2007



Dimpal Kumar Das,
At-Kalikapur, Ward No-24,
PO-Tulasichaura,
PS-Baripada,
Mayurbhanj District.....Complainant

-Vrs-

1. Public Information Officer,
office of the DPEP /SSA , Mayurbhanj,
Baripada,
Mayurbhanj District.
2. First Appellate Authority,
office of the DPEP /SSA , Mayurbhanj,
Baripada,
Mayurbhanj District.....Opposite Parties

Decision

1. Complainant Dimpal Kumar Das is present. PIO, office of the DPEP/SSA, Baripada, Mayurbhanj is absent despite lawful direction of the State Commission. He has neither prayed for adjournment nor sought leave of his absence. This is reprehensible. Project Coordinator, DPEP, Baripada is directed to caution the PIO. Heard. Perused the case record.
2. Complainant in his form A application dated 24/04/07 had sought information from the PIO, office of the DPEP/SSA Mayurbhanj, Baripada, that on what basis Project Primary School had been opened in Dhadasahi M.E. School under Morada Block. The PIO submitted that he had sought for the assistance of concerned Section to provide the information on 24/04/07. The said information was received by him on

17/05/07 and he supplied the same to the Complainant on the same day. This was well within the maximum time period specified in Section 7 (1) of the RTI Act, 2005 (Act for short).

3. Being aggrieved by the order of the PIO, the Complainant preferred first appeal before the appropriate authority on 17/05/07. The latter heard the case on the same day and intimated the Complainant that the School was upgraded by the Chairman of District SSA Committee. He directed the PIO to provide the copy of the approval order of the Chairman for Dhadasahi Primary School and the forwarding letter no.1672 dated 31/08/02 of the BDO Morada Block. The information was supplied by the PIO on 17/05/07 (same day).
4. Being aggrieved that the information supplied were not convincing, the Complainant filed this complaint before the State Commission on 30/05/07. The Complainant submitted today with reference to letter no.280-2 dated 25/06/04 of the Director Elementary Education, Orissa, that no Project School can be opened where there is a privately promoted or recognized Upper Primary School and minimum attendance of 35 students are required to open such a school at the level of Class V. As per the said order of the Directorate of Elementary Education, Orissa a Project School cannot be opened within the radius of 3 kilometres where there is an Upper Primary School functioning.
5. This case was earlier heard on 07/05/08 and 19.08.2008. The Collector and District Magistrate, Mayurbhanj was appointed as the Authorised Officer under Rule 7(1)(c) of the Orissa Information Commission (Appeal Procedure) Rules,2006 to enquire into the matter and monitor supply of correct information in terms of the instructions/guide lines of the Government/Directorate.

6. The report of the Authorised Officer has been received in the State Commission on 28.08.08. The Collector-cum-Authorised Officer has mentioned in the last paragraph of his Report that he is satisfied with the fact that no irregularity was committed in the selection process of the Primary School for its upgradation into a Project Upper Primary School and that the Complainant was supplied with correct and complete informations.
7. After going through the records as well as hearing the Complainant the State Commission is of the opinion that available information have been furnished to the Complainant within the stipulated time. The plea of the Complainant as to the irregularity committed in the selection process is a matter which cannot be taken cognizance of within the legal parameter of the Act. The Complainant may approach the competent forum if so wishes, for redressal of his grievances, if any.
6. With the above observation the case is disposed of and closed.

Pronounced in open proceedings.

Given under the hand and seal of the State Commission, this 11th day of November, 2008.



[Handwritten Signature]
11/11/08

SIC