

**BEFORE THE ORISSA INFORMATION COMMISSION  
BHUBANESWAR**

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

**Date: 5<sup>th</sup> November, 2008**

**Complaint Case No. 515/2007**

Rajaballav Sahoo,  
At-Dochhian-752019,  
Po-Adal,  
Via-Nirakarpur,  
Puri district.....Complainant



**-Vrs-**

Public Information Officer,  
School and Mass Education Department,  
Government of Orissa,  
Bhubaneswar.....Opposite Party

**Decision**

1. Both the Complainant Raja Ballav Sahu and Umesh Chandra Mohanty, PIO-cum- Deputy Secretary to Government, School and Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar are present. Heard. Perused the case record. This matter has arisen out of complaint petition dated 01/05/07.
2. The case was last heard on 23/07/08 when the PIO was absent, but prayed today that he had intimated the State Commission vide letter no.14551 dated 17/07/08 to condone his absence as he has required to proceed to New Delhi in connection with filing an affidavit in the Hon'ble Supreme Court of India on behalf of Commissioner-cum-Secretary,

School and Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar. On perusal of records on file, it was noticed that the said letter was received on the State Commission on 25/07/08 after the scheduled date of hearing. However, his absence is condoned in the context of what is submitted by him.

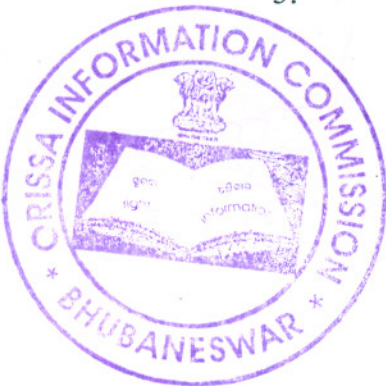
3. The Complainant has averred in his complaint petition dated 01/05/07 that his form A application dated 15/03/07 had not been duly attended to by the PIO despite 46 days having elapsed from 15/03/07. The PIO in his written showcause memorandum has submitted that Complainant's application dated 15/03/07 was received by the then PIO, Jyotrimayee Rath on 16/03/07, diarized on 20/03/07 and marked to Makar Ketan Swain, Senior Assistant of Section XVI (RTI Cell). The said Senior Assistant placed the file for orders before the Deputy Secretary-cum- PIO on 21/03/07, who marked the file to Section IX with a request to furnish information within 3 days. Section IX (Administrative Section ) returned the file to the RTI Cell on 09/04/07 with an interim reply that the information requested for by the applicant cannot be provided as the related file has been sent to the Finance Department for their concurrence obviously as no final decision has yet been taken on the related issue. It was further indicated that the information will be furnished only after return of the file from them. The said interim reply of Section IX was communicated to the Complainant vide letter no.7969 /SME dated 16/04/07.

4. The PIO has further averred in his showcause memorandum that the information sought by the Complainant is focused on challenging the rationale of some decisions taken in the Public Authority and the reasons thereof. The PIO had raised therefore, an objection that the request of the Complainant is not covered within the definition of “ Information” under Section 2 (f) of the RTI Act, 2005. The PIO has further alleged that till date the Complainant has submitted 15 applications in the Public Authority out of which 13 applications relate to the same subject.

5. Assuming that the PIO has entertained reasonable doubt regarding the real need of the Complainant , he should have acted as a facilitator to the Complainant by rendering necessary assistance to him which he has not done. On the contrary, he remained satisfied by only communicating the interim reply which he had received from the Administrative Section-IX.

6. The PIO stated that although the information sought by the Complainant did not fall within the purview of Section 2 (f) of the RTI Act, 2005, the same have been subsequently supplied to the Complainant on 02/08/07. The Complainant stated that the information he has received is misleading and fabricated.

7. After hearing the parties, the State Commission authorized Principal Secretary, School and Mass Education Department, Government of Orissa, Secretariat, Bhubaneswar under



Rule 7 (1) (c ) of the Orissa Information Commission ( Appeal Procedure) Rules, 2006 to enquire into the matter within 30 days in giving notice to the Complainant well in advance and sort out the problem of the Complainant.

8. With the above direction, the case is disposed of and closed.

**Pronounced in open proceedings.**

Given under the hand and seal of the State Commission, this  
5<sup>th</sup> day of November, 2008.

  
**SCIC**  
5.11.08

*(Faint circular stamp of the State Commission is visible in the background)*

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