



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No. SIC-K/SA/54/2013
Decision No. SIC-K/SA/54/2013/10

Title: Shri Irshad Ahmad Kumar
S/o Lt. Ab. Rahim Kumar
R/o Hospital Road, Bandipora
(Appellant)

v/s 1. FAA/Directorate of
School Edu. Kashmir.
2. CEO Bandipora
(Respondents)

Present:

1. Shri Nazir Ahmad Kanh, CEO Bandiora.
2. Shri Z.A. Bandey, PIO/DSE Kashmir.
3. Shri Irshad Ahmad Kumar, Appellant.

Srinagar

21.01.2014

This is a Second Appeal filed before the Commission on 17.12.2013 by Shri Irshad Ahmad Kumar s/o Lt. Ab. Rahim Kumar r/o Bandipora against PIO/Appellate Authority of Directorate of School Education Kashmir for alleged violation of RTI Act and misleading the

appellant by making unnecessary correspondence. The appellant has stated that he has not received any order from PIO/CEO Bandipora. He has requested the Commission to look into the matter and necessary action as per rules.

As per RTI application enclosed, information has been sought from CEO Bandipora on 6 points regarding rules for engagement of ReT, advertisement for engagement of ReT, details of construction of school buildings under SSA in zone A and B, , list of allotments of works under SSA for 2010 till 30th August 2013, copy of estimates of works and measurement book for works completed from 2011 to August ending 2013.

This has been responded to by CEO Bandipora vide letter dated 20.09.2013 as under:-

“Refer to your RTI application dated 30th August 2013 whereunder you have asked for information under RTI Act regarding ReT engagement/Govt. Circular/orders/ advertisement /details of construction work etc. This

information for which you have applied is laborious and requires lot of time for dispensation. As such you are advised to ask for specific information so that same may be provided to you within stipulated time.”

The appellant subsequently filed 1st appeal before FAA/DSEK on 07.10.2013 for allegedly not providing the information in response to RTI application dated 30.08.2013.

As per records while disposing of the 1st Appeal, FAA vide order dated 02.11.2013 has provided guidelines for engagement of ReT teachers vide Govt. Order No. 1503-Edu of 2003 dated 01.10.2013 to the information seeker.

In compliance to the notice of the Commission dated 20.12.2013, CEO Bandipora vide letter dated 28.12.2013 has furnished detailed counter statement /reply with regard to queries of the RTI application.

Heard both the parties and perused records.

Information in respect of query(1) and (2) has been provided by the FAA as stated above.

In response to query (3) Chief Education Officer Bandipore submitted that information sought in point No. 3 of RTI application being voluminous was also vague as the educational zones are not divided into A and B zones. He clarified that there are 5 zones and the information seeker has not mentioned name of the zone.

With regard to query (4) the information seeker has not specified as to which area the information has been sought

Regarding query (5) and (6) CEO Bandipora argued that information sought is voluminous and also not specific. In this connection he referred to his response dated 20.09.2013 wherein he has stated that information sought is laborious and requires a lot of time for dispensation and as such information seeker is advised to ask for specific information so that the same may be provided to him within stipulated time.

Upon perusal of the RTI application the argument of CEO in respect of query (3), (4), (5) and (6) is upheld wherein appellant has been advised to ask for specific information.

Although the RTI application has been disposed within specific time, the response has not been received by the information seeker till filing of 1st appeal. CEO also could not produce the mode of delivery and evidence thereof before the Commission.

The information seeker is, therefore, entitled to information free of cost.

With above directions appeal is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. First Appellate Authority/Directorate of School Education Kashmir.
2. Chief Education Officer, Bandipora(PIO).
3. Sh. Irshad Ahmad Kumar S/o Lt. Ab. Rahim Kumar R/o Hospital Road, W/5 Bandipora.

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission