



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/SA/03/2014
Decision No SIC-K/SA/03/2014/28

Title: Shri Gh. Nabi Qureshi,
(Retired Master) v/s
R/o Aripanthan Beerwah,
Budgam
(Appellant)

FAA/PIO Directorate of
School Education Kashmir

(Respondents)

Present:

Shri Gh. Nabi Qureshi, Appellant.

Srinagar
12.03.2014

Background of this appeal are that an application under RTI Act was filed by Shri Gh. Nabi Qureshi, Retired Master R/o Aripanthan Beerwah Budgam before PIO/Directorate of School Education Kashmir seeking report of enquiry committee constituted by Director School Education Kashmir vide No. DSEK//1507 of 2012 dated 08.08.2012 read with corrigendum issued vide No. DSEK/OSD/IMW/F-2683/33-37 dated 19.03.2013. This RTI application has been received in the office

of PIO/DSEK vide Receipt No. 8051 dated 02.07.2013 and has been transferred to Personnel Officer Directorate of School Education Kashmir by PIO/DSEK vide No. DSEK/OSD/IMW/RTI/F-494/1809 dated 09.07.2013 followed by reminders on 26.08.2013 and 24.09.2013. Thereafter, an appeal has been filed before First Appellate Authority on 07.10.2013 on the grounds that PIO could not succeed to provide the requisite documents for unknown reasons.

Second appeal was filed before the Commission on 02.01.2014 alleging that PIO/DSEK did not provide the appellant copy of the review report. It is submitted that Director School Education Kashmir also did not take any immediate action on the Ist appeal filed by the appellant on 07.10.2013 and he was made to suffer. He has further alleged that parties were not summoned for hearing during Ist appeal. The appellant has made some other allegations which are not relevant to the RTI query. 1. It is alleged that Director rejected the review report and has treated the appellant on leave vide letter dated 29.10.2013 and he has expressed apprehension of changing the nature of report. This is alleged to be the reason for not providing copy of the report for the last six months. The appellant has accordingly requested the Commission to take cognizance in the matter and provide copy of the review report.

Perusal of the documents enclosed with the appeal reveal that PIO has transferred RTI application to the Personnel Officer of Directorate of School Education Kashmir on 09.07.2013 followed by reminders on 26.08.2013, 24.09.2013 and the latest reminder dated 22.10.2013, wherein giving references of all letters, Personnel Officer of DSEK has been asked to provide information instantly to the RTI Section of the Directorate. Personnel Officer has responded

vide office memo on 06.11.2013 stating that the request of the information seeker is under due consideration in his office and will be finalized within shortest possible time.

In reply to the notice of the Commission dated 13.01.2014, First Appellate Authority/DSEK submitted that PIO/Personnel Officer of this Directorate furnished the information vide No Estt-III/NG/A/8867 dated 28.12.2013 and the appeal dated 07.10.2013 was disposed off vide No. DSEK/OSD/IMW/RTI-F/494/2/21009 dated 28.12.2013. Copy of this is marked to information seeker.

During proceeding in the Commission on 29.01.2014 appellant Sh. Gh. Nabi Qureshi submitted rejoinder stating that the information received by him on 20.01.2014 from Directorate of School Education Kashmir is misleading and malafide. As copy of the rejoinder was not sent to PIO, same was provided to the PIO for filing objections within two weeks. It was also noted that the allegations made by the appellant with regard to the review report has not been substantiated with any evidence. He was accordingly directed to provide copy of such documentary evidence to the PIO within two weeks.

In his objections to the rejoinder, PIO/DSEK vide letter dated 18.02.2014 submitted that the appellant submitted photocopies of following documents in his support:-

- i) Enquiry report.
- ii) Directorate's letter dated 29.10.2013 addressed to CEO Budgam.
- iii) Rough enquiry report (without signature of the Enquiry Committee).
- iv) Representation endorsed by MOS Education.

In conclusion he has submitted as under:-

“Perusal of the above documents does not in any way substantiate his point that he has not been given the original review report formulated by the Committee constituted for the purpose. Pertinent to mention that the review has already been issued to the information seeker vide No DSEK/OSD/IMW/RTI/F-494/21009 dated 28.12.2013.”

The appellant, Sh. Gh Nabi Qureshi submitted copy of representation addressed to Hon’ble Chief Minister J&K on the subject “scamming in Education Department by DSEK” and also copy of a communication from SDPO Khan Sahib to S.P. Budgam. However, these documents has no relevance to the information sought in the RTI application.

Subsequent to hearing of the appellant it became apparent that he contests the review report of the committee in reference to DSEK’s Order No. 1507 of 2012 dated 08.08.2012, being not favourable to him on the ground that the rough draft of enquiry report available with him (appellant) is the original report . However, after examining records the Commission has come to the conclusion that the information sought in his RTI application regarding enquiry report constituted by Directorate of School Education Kashmir vide No DSEK//1507 of 2012 dated 08.08.2012 has been provided to him as held by the PIO and in accordance with definition of information under Section 2(d) of J&K RTI Act, 2009.

It is, therefore, held that the information sought in the RTI application has been given and the appeal is disposed of.

It has, however, been noted that there is some delay in disposal of RTI application on the part of Personnel Officer/DSEK. He is directed to explain as to why proceedings under Section 17 may not be initiated against him for causing delay in supplying the information. His reply, if any, should reach the Commission within three weeks from issue of this order.

Sd/-
(Nazir Ahmad)
State Information Commissioner

Copy to the:-

1. First Appellate Authority/Directorate of School Education Kashmir.
2. Public Information Officer, Directorate of School Education Kashmir.
3. Sh. Gh. Nabi Qureshi (Retired Master) R/o Aripanthan Beerwah, Budgam.

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