



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/30/2013
Decision No. SIC-K/SA/30/2013/100

Title: Shri Bashir Ahmad Shah v/s Jt. Director School Education Kmr.
r/o Dargali, Kupwara (Respondent)
(Appellant)

Present:

1. Mrs. Suraya Akhtar, Joint Director School Education Kmr..
2. Sh. Mushtaq Ahmad Simnani, Personnel Officer, Directorate of School Education Kashmir. }
3. Shri Bashir Ahmad Shah, Appellant

Srinagar
04.12.2013

The Commission received an Appeal from Shri Bashir Ahmad Shah c/o Gh. Qadir Dar on 04.10.2013 stating that PIO Directorate of School Education Kashmir (DSEK) did not respond to his representation under J&K RTI Act. Consequently he made an Appeal before FAA/Director School Education Kashmir and his plea

under RTI Act 2009 was again overlooked. The appellant has accordingly approached the Commission to provide information as envisaged in the Act.

Records enclosed with the Appeal reveal that an application under RTI Act has been filed before PIO DSEK through Registered Post on 02.08.2013 seeking following information:

“Kindly provide me the information about the action taken by this Directorate with regard to Crime Headquarters Letter No. CHQ/CLT/K-39/1102777 dated 28.03.2013 and action taken by your subordinate office on your order No. under reference (ii)”.

This RTI application has been responded to by the PIO vide order dated 02.09.2013 enclosing information obtained from Personnel Officer DSEK and another communication on the subject *‘complaint against Mohd. Yaseen Mir and Gh. Mohd. Bat working as Lecturers’*

During proceedings in the Commission on 07.11.2013 copy of these documents was given to the information seeker as he informed that he has not received the same. The Commission accordingly observed as under: -

“The appellant also produced copy of 4th reminder dated 30.09.2013 from School Education Department to Director School Education Kashmir on the subject *‘complaint against S/Sh. Mohd. Yaseen Mir and*

Gh. Mohd Bhat working as Lecturers' with 38 leaves as enclosures reportedly obtained through RTI from School Education Department, J&K.

Since these documents are relevant to the case, copy of these documents is given to PIO/Personnel Officer DSEK with the directions to intimate on the next date of hearing as to what action has been taken by the Department on these references.

Since this is a serious matter, the Commission expects Director Education Kashmir to go through these documents personally and intimate Commission of action taken in the matter”.

During proceedings today, PIO and Personnel Officer DSEK informed the Commission that action in the matter has been taken by issuing show cause notices to Shri Mohd. Yaseen Mir Lecturer BHSS Panzan, District Budgam and Shri Gh. Mohammad Bhat Lecturer BHSS Villgam, District Kupwara on 03.12.2013 to explain their position within 15 days failing which action as warranted under rules shall follow without any further notice. Concurrently, Controller of Examination CSJM University Kanpur and Controller of Examination Kanpur University have also been approached for ascertaining genuineness of certificates of the above two Lecturers vide letter Nos. DSEK/OSD/IMWF/F-6513/14040 dated 03.12.2013 and

DSEK/OSD/IMWF/F-6513/14040 dated 03.12.2013 respectively. Copy of above documents is given to the information seeker during hearing.

While PIO and Personnel Officer DSEK has provided the latest action taken report in the matter as requested by the information seeker, it became apparent during proceedings that the issue pertains to alleged tampering of certificates/marks sheets which has been referred to DSEK by the Crime Branch. This being a serious matter, the Commission expects Director School Education Kashmir to follow up the case vigorously and take further follow up action in the matter. PO DSEK shall also contact the concerned Universities on telephone so that issue does not remain confined to communications only.

As matter is of serious nature, Registry shall send a copy of the order to Secretary to Government Education Department alongwith relevant documents for further necessary action.

The appeal is disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Secretary to Govt. School Education Department, Civil Secretariat, Jammu.
2. Director School Education Kashmir.

3. Joint Director School Education Kashmir.
4. Personnel Officer, Directorate of School Education Kashmir.
5. Sh. Bashir Ahmad Shah C/o Gh. Qadir Dar, Dry Fruit Merchant, Dargali Kupwara.

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