



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/Comp/45/2013
Decision No. SIC-K/Comp/45/2013/95

Title: Shri Mushtaq Ahmad Wani v/s Director School Education,
s/o Sh. Bashir Ahmad Wani Kashmir.
r/o Saidpora Eidgah, Sgr. **(Respondent)**
(Complainant)

Present:

1. Smt. Suraya Akhtar, Joint Director School Education, Kashmir
2. Shri Mushtaq Ahmad, Personnel Officer, Directorate of School Education, Kashmir.
3. Shri G.R. Shah, CEO Anantnag.
4. Shri Nazir Ahmad Kanth, CEO Bandipora.
5. Shri Abdul Rouf, CEO Baramulla.

Srinagar
19.11.2013

This is a complaint filed before the Commission on 27.08.2013 by Shri Mushtaq Ahmad Wani s/o Shri Bashir Ahmad Wani r/o SaidaPora Eidgah, Srinagar against PIO School Education Department, Civil Secretariat, Srinagar on the ground that he had submitted application for seeking information of i/c Lecturers but till date nothing has been done by

the concerned PIO. The complainant has requested the Commission to initiate action against the concerned officer.

As per records, the complainant has filed an RTI application before PIO c/o Secretary to Govt., Department of Education Civil Secretariat, J&K on 14.06.2013 seeking following information:

“Under Cabinet Decision No. 225/26/2011 dated 16/12/2011, regularization of i/c Lecturers as Lecturers in the discipline of Arabic/Chemistry/Physics/Mathematics/Botany/Zoology/Pol. Science/Education has been issued by your office. In this regard there is clear direction from Hon’ble High Court in SPW No. 369/2009 titled Raj Singh and Others v/s State and others (read with Govt. Order NO. 806- Edu of 2012 dated 17.12.2012. Also published in Greater Kashmir for general public. In this regard request to provide certain information under RTI Act, 2009.

- 1. Permission copy/order from competent authority for undergoing P.G./Bridge course in different universities be provided.**
- 2. Name of i/c Lecturers who have completed their PG courses outside the state after availing leave and permission during PG studies. It is as per Govt. circular/DSEK circular vide No. A/5361-5511 dated 02.11.2000 (copy of the same be provided in the discipline of Botany/Zoology with the name of university duly attested by concerned DDO.**
- 3. Copy of verification of PG certificates of concerned Lecturers duly attested by concerned DDOs as per the orders issued by Secretary to Govt. Department of Education Civil Sectt. That the concerned have acquire PG degree after availing leave during his/her studies and same is recorded in his/her service records (attested copies be provided).**
- 4. Name of the university where PG/Bridge course has been awarded to the i/c Lecturers and whether the universities are recognized or not.**
- 5. Pay drawn if any during PG studies by these Teachers/Lecturers. If yes please provide the certificate of the concerned Lecturers duly attested by the concerned DDO with bill No. and name of the treasury with treasury voucher (attested copies be provided).**

6. Date of passing P.G. along with year/date of passing Bridge course, date of evaluation as i/c Lecturers”.

This RTI application has been transferred by Under Secretary to Government, School Education Department to PIO Directorate of School Education Kashmir (DSEK) vide letter dated 15.07.2013 stating that the application of the complainant was received in the Department on 24.05.2013 under J&K RTI Act and upon perusal of the contents reveals that all the points in the RTI application pertain to the Office of DSEK and accordingly RTI application has been transferred to the PIO DSEK under Section 6(3) of Act for providing relevant information to the applicant.

Upon perusal of the RTI application and communication of the PIO School Education, that the date of receipt shown is 24.05.2013, yet the date of filing of RTI application on 14.06.2013. While PIO of Education Department shall have to clarify this, it is obvious that there is delay in transferring the RTI application beyond stipulated period of 5 days as provided under the Act.

PIO DSEK has further transferred this application to all the PIOs/Chief Education Officers under No. DSEK/OSD/IMW/RTI/F-507/1993-2006 dated 18.07.2013 i.e., within the stipulated period of 05 days as per the provisions of the Act.

In response to the notice of the Commission, PIO DSEK vide para 3 of the reply dated 01.10.2013 has submitted that designated PIOs/CEOs Kupwara, Srinagar, Ganderbal, Pulwama, Shopian, Budgam and Leh shared their information with the information seeker and references thereof have been given vide letter dated 01.10.2013.

The Commission in its interim Order dated 14.10.2014 directed to issue notices to defaulting PIOs/CEOs of Anantnag, Baramulla, Bandipora and Kargil for not responding to the RTI application transferred to them by PIO DSEK on 18.07.2013 till date of hearing.

In compliance to the orders of the Commission, PIOs/CEOs of Districts Anantnag, Baramulla and Bandipora appeared in the Commission today on 19th day of November, 2013 and produced evidence of having responded to RTI queries, which were taken on record. However, no response has been received from CEO Kargil. Joint Director School Education Department Kashmir submitted that this may be due to postal delay and requested for some more time.

In view of above Joint Director School Education Kashmir (PIO) shall direct CEO Kargil to respond the RTI queries pertaining to his/her office within three weeks from receipt of this order and also explain delay in responding to RTI application.

The Commission has noted that the information seeker did not appear in response to the notices of the Commission. Further, the complaint of the information seeker is essentially with regard to not providing of information within stipulated period.

While the CEOs Anantnag, Baramulla and Bandipora have provided the information in response to the notice of the Commission dated 28.10.2013, however, they have not explained delay. Accordingly CEOs are directed to explain the reasons for delay in responding to the RTI application. Besides, Shri Tahir Mustafa Malik, PIO School Education Department has not responded to the notice dated 28.10.2013 till date.. Opportunity be given to Sh. Tahir Mustafa Malik, PIO School Education Department in continuation to earlier notices as to why penalty shall not be imposed against him for causing delay in transferring the RTI application.

All notices be sent through Registered Post.

With the above directions the complaint is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Joint Director, Directorate of School Education Department, Kashmir.
2. Personnel Officer, Directorate of School Education Kashmir.
3. Chief Education Officer, Anantnag/Baramulla/Bandipora/Kargil.
4. PIO/Under Secretary to Govt. School Education Department, Civil Secretariat, Jammu.
5. Sh. Mushtaq Ahmad Wani S/o Sh. Bashir Ahmad Wani R/o Saidpora Eidgah Srinagar.

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