



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937  
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**File No:** SIC-J-A-82/2013  
**Decision No:** SIC-J-A/82/2013/128

S. ManMohan Singh Bhatia	Appellant	Present
Smt. Veena Pandita Joint Secretary, Board of School Education, Jammu.	PIO	Present

**Jammu**  
**17-05-2013**

Briefly the facts in this appeal are that Sh. ManMohan Singh Bhatia S/o Sh. Bhagat Singh R/o 71, Shastri Nagar, Jammu moved an application dated 24-11-2012 under J&K RTI Act, 2009 before the PIO, J&K Board of School Education, Jammu seeking the following information :-

1. Furnish me the copy of each and every Notification issued by JKBOSE for appointments made by them on different posts from the year 1990-2012.
2. Furnish me the copy of each and every newspaper in which the post were advertised during the year 1990 to 2012 with their D.I.P No.
3. Furnish me the details that how many candidates were shortlisted for interview from the total applicants during the years 1990-

2012. Selection made by JKBOSE on various posts with their names.

4. Furnish me the details that how many candidates are selected from the year 1990 to 2012, names of the candidates will be provided to me.
5. Copy of Recruitment Rules/Policy for the Appointments will be provided to me.

Having received no response from the PIO, the information seeker preferred Ist appeal before the First Appellate Authority i.e Secretary Board of School Education, Jammu on 28-01-2013. Feeling aggrieved of inaction on the part of the PIO as well as First Appellate Authority, he preferred second appeal dated 15-04-2013 before the Commission. The Commission vide its notice No:SIC/J/82/2013/1965-66 dated 2-05-2013 directed the PIO to appear before the Commission on 17-05-2013 and file counter statement to the Commission. During the course of proceedings held today, the information seeker and the PIO informed the Commission that the First Appellate Authority has not disposed of first appeal so far.

The Commission is constrained to observe that the failure on the part of the FAA not to adjudicate and dispose of the matter within statutory period amounts to flagrant violation of the RTI Act, 2009. As the matter is still sub-judice, it is remanded back to the FAA with the direction to adjudicate and dispose of it within 3 weeks from the date of receipt of this order after affording an opportunity of being heard to the appellant. The First Appellate Authority should pass a speaking order in the matter. Being a quasi-judicial authority, it is reminded of its duty under the Act and should treat this order as "wakening call" and it is hoped would remain careful in future while dealing with RTI matters.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

**Sd/-**  
**Dr. S.K. Sharma**  
State Information

Commissioner

Copy to the:-

1. The First Appellate Authority/Secretary, Board of School Education, Rehari Colony, Jammu.
2. Public Information Officer / Joint Secretary, Board of School Education, Rehari Colony, Jammu.
3. Sh. Manmohan Singh Bhatia S/o Sh. Bhagat Singh R/o71, Shastri Nagar, Jammu.
4. Guard file.

**Jang Bhadur**  
Joint. Registrar  
J&K State Information Commission