



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/J/A/179/2013

Decision No: SIC/J/A/179/2013/345

Sh. Kovid Khosla
Advocate

Appellant

Present

Sh. Saif Ali Chauhan
Joint Director,
Directorate of School Education,
Jammu.

PIO

Present

Jammu
05-11-2013

Briefly the facts in this appeal are that Sh. Kovid Khosla & Sh. Shashi Paul (Advocate's J&K High Court, Jammu) R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu moved an application dated 28-03-2013 under J&K RTI Act, 2009 before the PIO office of the Director School Education, Jammu seeking the following information:-

- A. *Details of Central and State Govt. aided schools in entire Jammu district with the details of the aid/financial aid (Centre and State share) provided to such schools in the year 2011-2012, 2012-2013 till date.*
- B. *Details of the fee structure/PTA fund for the years mentioned above for different classes of the Govt. aided schools in entire Jammu district alongwith the total strength of students in each school at present and the number of class rooms in each school be also provided.*

- C. Procedure adopted for the recruitment of faculties in such schools alongwith the total number of teachers working in such schools be also provided.*
- D. Details of the private management of such schools be also provided.*
- E. Details of Middle/High Schools (Govt. and Govt. aided) in entire Jammu province without science laboratories/libraries/computer labs/playgrounds/electricity/furniture and how many of such schools are operating in open.*
- F. Number of complaints against private school received in the years 2011-12, 2012-13 till date with the details of the names of such schools/nature of complaint/action taken on such complaints.*

The CEO/PIO, Directorate of School Education, Jammu vide office letter no. DSEJ/RTI/2012/5493-04 dated 09-04-2013 transferred the RTI application of the applicant to CEO/PIO's, Jammu, Doda, Kathua, Kishtwar, Poonch, Ramban, Reasi, Rajouri, Samba and Udhampur with the request to provide the requisite information to the applicant within the stipulated time under intimation to his office. Copy of the aforesaid letter was also endorsed to the information seekers. However, the appellant received a mixed response from the aforesaid PIO's and preferred 1st appeal dated 20-05-2013 before the FAA/Director School Education, Jammu which has not been adjudicated and disposed of till date. Thus, feeling aggrieved of inaction on the part of FAA and the PIO's, the appellant filed 2nd appeal dated 18-07-2013 before the Commission alleging therein that PIO O/o Directorate of School Education, Jammu provided him incomplete information and that too after the lapse of statutory period prescribed under the J&K RTI Act, 2009. After receiving 2nd appeal, the Commission vide office notice no. SIC/J/A/179/2013/3025-34 dated 22-07-2013 directed the CEO's/PIO's, Jammu, Doda, Kathua, Kishtwar, Poonch, Ramban, Reasi, Rajouri, Samba and Udhampur to send counter reply to the Commission within 7 days from the receipt of the notice. The matter was listed for hearing on 06-09-2013. The CEO's/PIO's, Jammu, Kathua, Kishtwar, Poonch, Ramban, Reasi, Rajouri

and Udhampur appeared before the Commission and furnished the requisite information to the information seeker during the course of proceedings held on that day. However, CEO/PIO, Poonch assured the Commission that he will sent the information directly to the information seeker within 10 days under registered cover at his residential address. Notices were sent to CEO, Samba and CEO, Doda to remain personally present on the next date of hearing. Matter was again listed for hearing on 20-09-2013 and CEO, Samba furnished the information to the information seeker. However, the CEO/PIO, Doda and Directorate of School Education, Jammu failed to cause their presence before the Commission. Registry was directed to issue notice to Director School Education, Jammu, PIO, Directorate of School Education, Jammu and CEO, Doda to remain personally present on the next date of hearing. The matter was again listed for hearing on 30-09-2013 and was adjourned. On 22-10-2013, Sh. Rajeev Abrol DEPO, Doda appeared before the Commission on behalf of CEO, Doda and assured the Commission that he will provide the information to the information seeker under registered cover within a week's time. The PIO, Directorate of School Education, Jammu again failed to cause his presence before the Commission on that date of hearing and was directed to remain personally present on the next date of hearing. Matter was adjourned and listed for hearing on 05-11-2013.

During the course of proceedings held today, the appellant acknowledged the receipt of information from the CEO's of Jammu Province and submitted before the Commission that some of the information in his RTI application pertains to the office of Director School Education, Jammu and requested that PIO, Directorate of School Education, Jammu be directed to furnish the requisite information to the information seeker especially with reference to query no. (F) of his RTI application.

Keeping in view the request of the appellant, PIO/Joint Director, Directorate of School Education, Jammu is hereby directed to furnish the requisite information to the information seeker which pertains to his office within 10 days from the date of receipt of this order under an intimation to the Commission.

The PIO/Joint Director, Directorate of School Education, Jammu is also directed to show cause why fine shall not be imposed upon him U/s 15 of the J&K RTI Act, 2009 read with Section 32 of Code of Civil Procedure, 1977 (Samvat) for his failure to appear before the Commission on different dates of hearing i.e. 20-09-2013, 30-09-2013 & 22-10-2013 despite proper notice from the Commission and also telephonic intimation in advance from the office of the Commission about the dates of hearing within two weeks from the date of receipt of this order failing which the Commission shall initiate action as permissible under rules.

In this case the FAA/Director School Education, Jammu has failed to adjudicate and dispose of the appeal within the statutory period as prescribed under the RTI Act, 2009. The FAA being a quasi-judicial authority is under a statutory obligation to dispose of RTI matters within the statutory period after providing an opportunity of being heard to the parties, otherwise failure to discharge quasi-judicial duty amounts to flagrant violation of an important fundamental right of a citizen. The FAA/Director School Education, Jammu is hereby directed to remain careful in future and act with circumspection while discharging its statutory obligations under the RTI Act which must always be within the time frame as mandated under the Act. Any such failure or lapse on the part of the FAA/Director School Education, Jammu in future will be reported to the Government for disciplinary action under rules.

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. Public Information Officer / Sh. Saif Ali Chauhan, Joint Director, Directorate of School Education, Jammu.
2. Sh. Kovid Khosla & Sh. Shashi Paul (Advocate's J&K High Court, Jammu) R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission