

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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Case. No. MIC/Appeal/56/2008/8

Shri Binoy Kr Ghosh of Phulbari, West Garo Hills - Appellant

-Vrs-

1. The Inspector of Schools, West Garo Hills, Tura – (DAA)
2. The Headmaster, Jawaharlal Nehru, Higher Secondary School,
Phulbari, West Garo Hills – (PIO) | Respondents

ORDER

8-9-2008: Perused the appeal petition dated 26-8-2008 received in the Commission on 29-8-2008 from Shri Binoy Kr Ghosh of Phulbari, West Garo Hills. The facts leading to the instant appeal may be summarized as follows:
The appellant has filed an RTI application before the Respondent No.2 i.e. the PIO on 9-4-2008 under Section 7(1) of the RTI Act. Failure to receive any decision by the Respondent No.2 within the statutory period of 30 days, the appellant had preferred the instant appeal before the Commission on 26-8-2008 which was received in this Commission on 29-8-2008.
Under the provisions of RTI Act, any person who does not receive a decision within the time specified in Sub-Section (1) or Clause (a) of Sub-Section (3) of Section 7 of the RTI Act may prefer the first appeal before the first appellate authority within 30 days of the expired of such period. And if he is not satisfied with the decision of the first appellate authority, may prefer the second appeal before the Commission within a period of 90 days from which date a decision have been made or was actual received, as provided under section 19 (3) of the RTI Act. The Act also provides that non-receipt of a decision by the PIO within the time limit specified by Law should be deemed to be a refusal of the request under section 7(2) of the RTI Act. And, for such refusal of access to information, any person may prefer a complaint direct before the Commission under section 18(1)(b)(c) of the RTI Act.

In the instant case, the appellant, Shri Binoy Kr Ghosh had filed the appeal before the Commission raising the issue that he had not been provided any information by the PIO. The Commission, therefore, observed that the instant appeal made by the appellant U/S 19(1) of the RTI Act should have in fact been preferred before the First Appellate Authority; and hence, the appellant may file the statutory first appeal before the Respondent No. 1 i.e the Inspector of Schools, West Garo Hills, Tura & D.A.A. under section 19(1) of the RTI Act.

The appeal petition, without prejudice to the right of the appellant to go for the First Appeal, is therefore, disposed of accordingly.

(G.P.Wahlang)
C.I.C.

Memo. No. MIC/Appeal/59/2008/2-A Dated Shillong, the 8th September, 2008

Copy forwarded to:-

1. The Inspector of Schools, West Garo Hills, Tura – (D.A.A.).
2. The Headmaster, Jawaharlal Nehru, Higher Secondary School, Phulbari, West Garo Hills – (PIO).
3. Shri Binoy Kr Ghosh, C/o Ranjit Kar, Advocate, High Court, Shillong. (Mobile) 98630-61052.

(P.T.Rani,)
Under Secretary,
State Information Meghalaya,
Meghalaya, Shillong.