

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

...

No. MIC/Appeal/62/2009/13,

Shri S.K.Singh, Barapathar, Shillong

- Appellant

-Vrs-

(1) Headmaster, Madan Laban Nepali Secondary School, Shillong (PIO) }
(2) Inspector of Schools, East Khasi Hills, Shillong (DAA) } Respondents

28-7-2009

ORDER

Both the appellant and the Respondents are present in the Commission today.

The case of the appellant is that he filed an R.T.I. application dated 3-3-2009 before the Respondent-PIO requesting for copies of Bank/P.O. Pass Book credited in the name of the School of funds received from the Govt. in respect of Madan Laban Nepali Secondary School, Shillong for the financial year 2001 to 2005. Not receiving any information or any response from the P.I.O. the appellant has preferred the first appeal before the Respondent No. 2 viz., the Inspector of Schools, East Khasi Hills, Shillong on 20-4-2009. Not receiving any decision by the first appellate authority even after the expiry of 30 days, the appellant had preferred the instant second appeal before the Commission vide his petition dated 15-6-2009.

Vide Order dated 16-7-2009, the Commission had asked the Respondent-DAA viz., the Inspector of Schools, East Khasi Hills, Shillong to submit a report on the first appeal submitted by the appellant. According to the report of the Respondent-DAA dated 27-7-2009, the first appellate authority has not received any appeal petition from the appellant and therefore no action has taken from his end.

The P.I.O. also submitted his show cause dated 28-7-2009. According to him he has not furnished the information sought by the appellant as the same appellant had earlier asked him to refrain from issuing information under R.T.I. and any information furnished by him will not be acceptable. He produce documentary evidence for the same.

Having heard both the Respondents and the appellant in this case and having examined the matter in details, the Commission made the following observations:

(1) The P.I.O. cannot stop functioning as P.I.O. under the Law just because some information seekers do not like to receive information from him. Every P.I.O. has been identified under the Law and should function as such P.I.O. irrespective of any views expressed by the information seekers. Whether the information seekers accept the information or not, it is up to them. The duty of the P.I.O. is to furnish the information asked for and that should be done. In

the instant case, the P.I.O. has omitted to perform the duty entrusted upon him by the Law though with reasons. The P.I.O. is hereby cautioned not to repeat such action in future.

- (2) Information seekers are required under the Law to submit an application for information before the P.I.O. It is for the P.I.O. concerned to collect the information either from his own office or from other offices and furnish the same within the time period specified. It is not open to any information seeker to choose which P.I.O. should furnish the information and which one should not. It is for the Public Authority concerned to decide such matter.

In the instant case, both the Respondents and the appellant have not followed the correct procedure of Law. Considering the fact that the information requested relates to matters already audited by the Director of Local Accounts and is very much in the public domain, the Commission directed the P.I.O. viz., the Headmaster, Madan Laban Nepali Secondary School, Shillong to furnish the information to the appellant within the period of 21 days of this Order.

Case disposed off.

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

Memo. No. MIC/Appeal/62/2009/13-A

Dated Shillong, the 28th July, 2009

Copy to:-

- (1) Headmaster, Madan Laban Nepali Secondary School, Shillong (PIO)
- (2) Inspector of Schools, East Khasi Hills, Shillong (DAA)
- (3) Shri S.K.Singh, C/o Limbu Compound Barapathar, Shillong – 2.

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