

BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present : Hon'ble Shri D.N.Padhi, SCIC
and
Shri Jagadananda, SIC

Date : 20th February, 2009

Complaint Case No. 790/2007

Prajapati Sarangi,
E-100, Koelnagar,
Rourkela-769042,
Sundargarh districtComplainant

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Public Information Officer,
Neelashaila Mahavidyalaya, Jagda,
Jhirpani,
Rourkela-769042
Sundargarh districtOpposite Party



Decision

1. Complainant Prajapati Sarangi is present. Purusottam Tripathy, PIO, Akhil Kumar Panda, Principal, Debendra Kumar Bhuyan, Accountant, Bhaskar Chandra Sahoo, Lecturer in English, Dayanidhi Sahoo, Lecturer, Nandan Kumar Singh, Junior Assistant of Neelashaila Mahavidyalaya, Niladri Vihar, Jagda, Jhirpani, Rourkela, Sundargarh district are also present. Heard. Perused the case record.
2. This case arises out of complaint petition dated 18/06/07 and heard by the State Commission on 21/07/08 and 30/10/08. On 21/07/08, the Complainant had mentioned that he had approached PIO,

Neelashaila Mahavidyalaya with form A application dated 01/06/07 but he refused to receive the same on the ground that no such instruction was given by the Principal. On 05/06/07 Complainant met D.N. Sahu, the Principal in-charge who also expressed his inability to accept a RTI application. (During the hearing it had transpired that DN Sahu was acting as the Principal for 2 days when the regular Principal was away on tour). Therefore, he lodged a complaint before the State Commission under Section 18 of the RTI Act, 2005 on 12/06/07.

3. The Complainant it seems had sought information relating to the (i)College Roll No., Council Roll No. and Registration No. and full name of the regular and ex-regular students of +2 (Arts, Science and Commerce) whose admit cards were received by the College for the said examination,(ii) Name and designation of the Officer incharge who verified the final list of candidates which was dispatched to the Council (iii) the name and designation of the Officer(s) who signed the final list and forwarded it to the Council of Higher Secondary Education, Orissa, Cuttack.
4. The Principal submitted that the allegations made by the Complainant were untenable and malicious. No one of his office had refused to receive the application. On the contrary, he submitted that no RTI application had been received by his office in proper official procedure in terms of the RTI Act, 2005 and Orissa RTI Rules, 2005. Only when he received a letter from the State Commission on 30/06/07, he came to know of the Complainant's request. The Complainant was himself the Officer-incharge of +2 Units for the Session 2006. Therefore, he was well

acquainted with the relevant records and documents of Annual Higher Secondary Examination, 2007. The Principal submitted that after getting notice from the State Commission he responded to the State Commission regarding the above developments vide letter no.1022 dated 02/07/07. The same are available on record.

5. After hearing the parties, the State Commission on 21/07/08 had directed the PIO to provide permissible information as sought by the Complainant within 15 days, free of cost, and report compliance to the State Commission through the Registrar. In obedience to the said orders of the State Commission, the PIO on 30/10/08 had stated that the required information had been supplied to the Complainant, free of cost vide letter no. 1168 dated 04/08/08. The Complainant had stated that though he received the information on 04/08/08, the same were incomplete and PIO subsequently provided some more information on 13/09/08.





6. The Complainant stated that he had not received (i) clarification why blank spaces had been shown in the column for college roll numbers in cases of some candidates, and (ii) the name of the Forwarding Officer.
7. Akhil Kumar Panda, Principal submitted that the blanks indicated that in case of 25 candidates roll numbers had not been assigned as they were fake candidates. The Council of Higher Secondary Education, Orissa, Bhubaneswar had, however, assigned them examination roll numbers as their names occurred in the “ interpolated” list, which was unknown to them. He stated that it was the duty of the Officer in charge of the + 2 wing (which

functions independently of the +3 wing) of the College to ensure correct information is sent to the Council of Higher Secondary, Orissa, Bhubaneswar as they have no way of verifying the status of students/candidates.

8. The Complainant stated that he had received the information in 3 instalments and PIO had not implemented the order of the State Commission properly.
9. After hearing the parties, the State Commission directed the PIO to implement on time orders of the State Commission within the indicated timeframe. However, finding no malafide in the actions of the opposite parties in supplying the information, this case is disposed of and closed with no orders on penalty. The PIO is exonerated.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 20th day of February, 2009.


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