

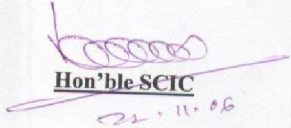
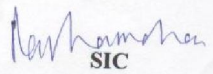
**ORISSA INFORMATION COMMISSION  
FORM OF DECISION SHEET**

**Hon'ble State Chief Information Commissioner, Orissa**

Complaint Case No. 312/2006

Sri Durga Prasad Patnaik,  
D-113 Museum Flat,  
Kalpana Area,  
Bhubaneswar-751014.....Complainant  
-Vrs-

1. Deputy Director  
cum-Public Information Officer,  
Directorate of Higher Education,  
Orissa,  
Bhubaneswar
2. 1<sup>st</sup> Appellate Authority,  
Directorate of Higher Education,  
Orissa,  
Bhubaneswar.....Opposite Parties

SL No.	Date of decision	Decision with the signature of the State Commission	Action taken with date
1	<u>22/11/2006</u>	<p>Perused the Complaint case record. We are satisfied that there is a prima-facie case in favour of the Complainant. Admit. Issue notice to the Opposite Party fixing 14/02/07 to show cause and for hearing.</p> <p align="center">Inform the Complainant.</p> <p align="center"> <b>Hon'ble SIC</b> 22.11.06</p> <p align="center"> SIC</p>	

*Pushpa  
22/11/06*

**Complaint Case No.312/2006**

Shri Durga Prasad Patnaik, Complainant and Shri Rajat Kumar Mohapatra, PIO and Shri Parbati Charan Pati, First Appellate Authority,(O.Ps.) are present. Heard both the parties and perused the record.

2. Complainant Shri Patnaik applied for certain information in form 'A' from the PIO of the Directorate of Higher Education on 30.8.2006. Information was supplied by the PIO on 09.10.2006. Here one finds an element of delay in supply of information which is violative of provision U/Section 7 (1) of RTI Act,2005 (Act for Short). In a written statement, Dr.Pati, First Appellate Authority and Director, Higher Education, however, states that after receiving the application of Shri Patnaik on 30.8.2006, the applicant was intimated on 25.9.2006 to make payment of the required fees towards the cost for providing information which is well within the prescribed time, but before depositing such fees Shri Patnaik preferred the First appeal dated 29.9.2006 which was received through post on 05.10.2006. In the meantime, Shri Patnaik deposited the required fee amounting to Rs.59/- towards the cost for providing the information on 05.10.2006 and the information, as available was sent to Shri Patnaik on 09.10.2006 and was received personally by Shri Patnaik as per his option on 13.10.2006. In view of the facts stated above, imposition of penalty U/ S 20(1) is not warranted.

3. However, not satisfied with the information provided by the PIO which was upheld by the First Appellate Authority, Shri Patnaik approached the State Commission for redressal. The main thrust of the submission made by Shri Patnaik is that some information has been denied on wrong grounds and answers to others are not in consonance with the questions.

4. After going through the reply of the PIO, the State Commission feel that the nature of reply to question is inappropriate and certain information has been denied on wrong grounds. The State Commission therefore, direct the PIO to give complete information in proper format on 19<sup>th</sup> February,2007 to the complainant and compliance be reported to the State Commission through Registrar. The First Appellate Authority i.e. the Director, Higher Education will ensure compliance.

5. The Appeal is allowed and disposed of subject to compliance.

State Information Commissioner

*Barhamohan*  
14.2.7