

BEFORE THE ORISSA INFORMATION COMMISSION

BHUBANESWAR

Present: Shri Jagadananda,SIC

Date: 19th May, 2009

Complaint Case No. 836 / 2008



Aswini Kumar Mohapatra,
At/PO-Dharmagarh,
Kalahandi District.....Complainant

-Vrs-

Public Information Officer,
Higher Education Department,
Government of Orissa,
Secretariat,
Bhubaneswar.....Opposite Party

Decision

1. Complainant Aswini Kumar Mohapatra is absent. Saroj Kumar Nayak, Desk Officer and Sarat Chandra Mohapatra, Deputy Secretary-cum-PIO both of Higher Education Department, Government of Orissa, Bhubaneswar are present. Heard. Perused the case record. The case arises out of a complaint petition dated 11/06/08.
2. It reveals from the record that the Complainant had filed form A application before the PIO on 09/05/08 seeking information pertaining to the Governance, recruitments and financial affairs related to Border Higher Secondary School, Kankeri. The Complainant had desired to collect the information in person as per his RTI application.
3. As the information relates to one of its sub-ordinate office, the PIO, Higher Education Department transferred the same under Section 6(3) of the RTI Act, 2005 to the Regional Director, Berhampur on 21/05/08.

4. During the course of hearing the PIO states that the information sought for on the matter relates to Border Higher Secondary School, Kankeri, Kalahandi district and also submitted that the above named school had neither been provided with grant-in-aid nor any other assistance from the Public Authority and hence it does not come under the purview as per Section 2(h) of the RTI Act, 2005(Act for short).
5. As it appears the notice issued to the Complainant from the State Commission had returned undelivered with the postal remark that “the addressee has left”. The provisions of Section 2(f) of the Act clearly provides that “information relating to any private body which can be accessed by the Public Authority under any other law for the time being in force” can be accessed by a citizen.
6. After hearing, the State Commission consider it appropriate to remand the case to the Regional Director, Sambalpur / Berhampur to ensure furnishing the available information to the Complainant and submit compliance report to the State Commission through the Registrar.
7. The case is disposed of and closed with the above observation, subject to compliance. Inform the Complainant.

Pronounced in open proceedings

Given under the hand and seal of the State Commission, this 19th day of May, 2009.



[Handwritten Signature]
SIC 19/5/09