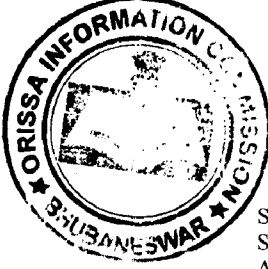


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

Present: Hon'ble Shri D.N. Padhi, S.C.I.C
and
Prof. Radhamohan, S.I.C

Dated. 16th June, 2006

Complaint Case. No. 23/06



Sri Sashibhusan Rath
Secretary Binapani Sishu Mandir,
At/Po- Begunia,
Khurda District.....Complainant

Vrs.

1. Sri Satyabadi Baliarsingh,
Sub-Inspector of Schools
Cum Public Information Officer
Office of the District Inspector of Schools
Khurda District
2. Sri Markat Keshari Ray,
District Inspector of Schools
Cum 1st Appellate Authority
Office of the District Inspector of Schools
Khurda District..... Opposite Parties

DECISION

1. Complainant Sri Sashibhusan Rath is present. Sri Markat Keshari Ray, District Inspector of Schools as 1st Appellate Authority and Sri Satyabadi Baliarsingh, Sub-Inspector of Schools, Khurda, Public Information Officer in the Office of the Director Inspector of Schools are present. Heard both sides in detail.
2. Complainant Sri Sashibhusan Rath moved the State Commission under section 19 (3) of the RTI Act, 2005 in the form of a second appeal. During scrutiny as per Rules 3 of the O.I.C. (Appeal procedure) Rules 2006, the infringement alleged in the Appeal Memo depicted a prima-facie case u/S 18 of the Act. The State Commission after having perused the contents of the Appeal Memo filed by Sri Rath and taking note of the non-filing of any copy of any decision of the 1st Appellate Authority, passed an Order on 26/04/06 to treat the appeal as a complaint case which was accordingly done.

3. As at reveals from the receipt granted by the PIO to the Complainant, he had received the application from the Complainant on 11/11/05. Sri Rath during his oral submissions cast many personal aspersions which are irrelevant for consideration of the dispute within the legal parameters of the RTI Act, 2005. The infringement of Right to Information alleged by the Complainant is confronted with a counter submission by the PIO that despite intimation, the required fee for supplying information in the form of copies was not paid or deposited by the Complainant. The PIO and the 1st Appellate Authority further submit that for want of appropriate instruction from the Office of the Director, Elementary Education, Orissa, PIO and the 1st Appellate Authority were not designated as such till 20/10/2005. They submit to have been designated as such only on 20/10/2005 and that soon there after the PIO prepared the copies of the information required to supply the same to the Complainant who received the same in person. They stoutly denied the fact of non-supply of information raised by the Complainant.
4. The fact that the information has not been supplied within the time frame of 30 days stipulated under the RTI Act, 2005 gets substantiated by the submission of the PIO. That for want of instructions from the Director, Elementary Education for designating PIO and the 1st Appellate Authority no PIO was designated in the office of the DI of Schools, Khurda is not acceptable defence since ignorance of Law is no excuse. However, considering the fact that despite intimation the Complainant did not pay / deposit the fees estimated for supply of copies, the delay caused cannot be solely attributed to the PIO.
5. After having heard the above discussed submissions of the parties the State Commission feel it just to observe that the opposite parties shall guard against recurrence of such mistakes. At the same time, the delay caused by the Director, Elementary Education Orissa in issuing instructions to the Public Authorities working under him is not appreciated. Once the Act came into force, urgent steps should have been taken by the Directorate to issue instruction for proper implementation of the provisions of the RTI Act, 2005. A copy of this decision be communicated to the Director Elementary Education.



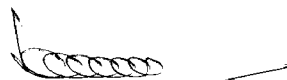
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For the reasons aforementioned, the complaint case is found to be devoid of any merit and hence dismissed.

Pronounced

Given under the hand and seal of the State Commission, this 16th day of June 2006.




Hon'ble S.C.I.C
16.6.06


S.I.C 16.6.06