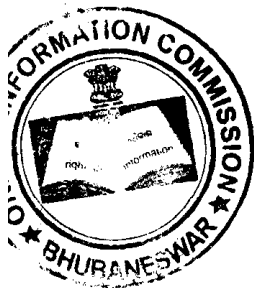


BEFORE THE ORISSA INFORMATION COMMISSION
BHUBANESWAR

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

Dated. 28th of July, 2006

Complaint Case No 123 / 2006



Sri Jaya Krishna Patnaik, Advocate,
Putigopalpur,
At/Po-Chatrapur,
Ganjam District,
Orissa.....Complainant.

-Vrs-

Smt R. Bharati,
District Inspector of Schools,
Chatrapur, At/Po-Chatrapur,
Ganjam District,
Orissa.....Opposite Party

Decision

1. Perused the enquiry report forwarded vide letter no 1447 dated 10/07/2006 of BDO, Chatrapur. It shall not out of place to mention that the Complainant had alleged during hearing on 16/06/06 to have moved the Collector, Ganjam District against the District Inspector of Schools, Chatrapur by submitting a grievance petition and that the Collector, Ganjam District had got the matter enquired into through BDO, Chatrapur. The said the enquiry report had asked for by the State Commission, which is now on record.
2. Upon perusal of the above enquiry report, the State Commission find that there is no allegation against Smt. R.Bharati, the Opposite Party and during enquiry nothing adverse has been found by BDO, Chatrapur against her.
3. It has already been observed in the earlier order dated 16/06/2006 that Smt. R. Bharati, the Opposite Party, was not the Public Information Officer in the office of the District Inspector of Schools, Chatrapur on the date the Complainant submitted his application for information. The Director, Elementary Education, Orissa issued instruction on 19/12/2005 for designating Public Information Officer and 1st Appellate Authorities which was received in the office of District Inspector of Schools, Chatrapur on 31/12/2005 and on that very day Smt. R. Bharati, Opposite Party handed over charge of the office of District of School, Chatrapur. The Director, Elementary Education should not have caused


inordinate delay in conveying instructions to his subordinates for designating Public Information Officer and 1st Appellate Authorities which is mandated by of the special statute i.e., Right to Information Act, 2005. The State Commission deem it appropriate to mention that the delay caused at the level of Director, Elementary Education is unfortunate and does not behave well for an important office. He may institute an internal enquiry within his Directorate to fix responsibility for the delay in communicating instructions. The State Commission may be kept informed of final outcome of the enquiry by 31/10/06. Thus the Opposite Party cannot be said to have violated the provisions of the Right to Information act, 2005.

4. Considering the pivotal issue that the Opposite Party cannot be held responsible for the non supply of the information to the Complainant. the case of the Complainant is found to devoid of any merit and dismissed.
5. However it is open to the Complainant to submit fresh application for information if any required by him before the Public Information Officer in the office of the District Inspector of Schools, Chatrapur since in the meantime Public Information Officer and 1st Appellate Authority have been designated in the said Public Authority under the above mentioned instruction of the Director, Elementary Education, Bhubaneswar.

Pronounced

Given under the hand and seal of the State Commission, this the 28th day of July, 2006.




Hon'ble S.C.I.C
28.7.06