

MANIPUR INFORMATION COMMISSION IMPHAL.

Appeal case no **57 of 2007**

Bidyabati Laishram, Exam. Roll no 1303, Wangkhei Palace Compound, Manipur East District
Appellant

Versus

1. The Additional Director of Education (Schools), Valley, Government of Manipur, Lamphelpat,
Imphal. S.P.I.O.

2. The Commissioner/Secretary Education (Schools), Government of Manipur, Secretariat,
Imphal. Appellate Authority

ORDER **21.1.2010**

This is in continuation of this Commission's order dated, 10th September, 2007 in which the respondents have been asked to provide the information within a week. The extract of the order is reproduced as below—

DECISION

Therefore, the Commission directs that (a) the petitioner namely Ms Bidyabati Laishram Roll no 1303, Palace Compound, Wangkhei should be provided the marks secured by the last candidate in the select list of Science Graduate Teachers (General) in the written test and the viva voice conducted by the Directorate of Education (Schools) Government of Manipur in the year 2006 for the recruitment of Science Graduate Teachers and the same should be intimated to her within seven days from the date of announcement of this order. The personal presence of the petitioner in the office of the S.P.I.O. is not required.

(b) The S.P.I.O. is also informed to submit a show cause within seven days from the receipt of this order why the penalty as prescribed under Sec 20 of the Act which includes a maximum fine of Rs.25000 and recommendation for disciplinary action should not be imposed on her for her failure to furnish the information within the time specified under sub-section (1) of Section 7, without any reasonable cause. In case of her failure to do so, it will be presumed that she has nothing to submit.

(c) The appellant can approach this Commission again in case of any grievance within two weeks from the date of order.”

2. Despite the above order, the respondents could not take up any action as the documents relating to the preparation of the select list of Science Graduate Teachers (General) in the written test and the viva voice conducted by the Directorate of Education (Schools) Government of Manipur in the year 2006 for the recruitment of Science Graduate Teachers have not been produced by the then custodians of the documents relating to the above information. From the submission of the S.P.I.O., it is quite clear that the officers who were in charge of these documents have not handed over the relevant documents till date and they are blaming one another for the same. The Commission has noted that the department has already narrowed down to two officers who are knowingly

obstructing the furnishing of the information. The Commission is of the view that it is the responsibility of the Department to trace the documents, fix responsibility for keeping the documents; and file a criminal case against such officers who are intentionally hiding the documents, thus, obstructing the providing of information for such long time, making a mockery of the R.T.I. Act, 2005. The Commission has intimated to the Government many times over this long period for tracing the documents and supplying the information, however, it appears that all efforts of the Commission have been thwarted by the sinister design of some handful of unscrupulous officers.

3. The application for the information was filed on 9.5.2007 and till date the information is still remaining unfurnished, over a period of about three years, which is quite unusual and ridiculous. In the meantime, because of the unfurnishing of the information the applicant is suffering both mentally and physically, by attending the office of the Commission on each hearing day during such long period, for which she deserves compensation.

4. In the circumstances stated above, the Commission recommends the disciplinary action against the responsible officer/ officers for termination from their services with immediate effect under the Service rules applicable to each of them under section 20 (2) of the R.T.I. Act, 2005. The Government of Manipur, Department of

5. School Education, Government of Manipur Imphal should complete the fixing of responsibility for the missing documents within fifteen days from the receipt of this order, if not the S.P.I.O. will be responsible for the same.

6. Further, the applicant should be compensated by the Public Authority, i.e. the Secretariat, Education Department Schools, Government of Manipur, by paying a sum of Rs.1,00,000 (Rupees One lakh) only within one month from the receipt of this order under Sec 19(8) (b) of the R.T.I. Act, 2005.

R.K. Angousana Singh
State Chief Information Commissioner, Manipur

Copy to --

1. The Secretary to His Excellency, the Governor of Manipur, Imphal (along with a copy of the decision dated 10.9.2007 of the Commission)
2. The Chief Secretary, the Government of Manipur Imphal,
3. The Commissioner/ Secretary Education Schools, Government of Manipur.
4. The Commissioner/ (D.P. & AR), Government of Manipur.
5. The Director of Education Schools Manipur, Imphal.
6. The Additional Director of Education Valley (Schools) S.P.I.O.
6. Bidyabati Laishram, Exam. Roll no 1303, Wangkhei Palace Compound, Imphal