



ARUNACHAL PRADESH INFORMATION COMMISSION
ITANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005

Case No. APIC- 869/2025.

APPELLANT

: Shri Rapung Lamgu, Shri Tame Yangfo and Shri Kokam
Bangang, Chimpu, Itanagar.

RESPONDENT

: The PIO, o/o the Director of Elementary Education,
Department of Education, Govt. of A.P Itanagar.

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri RapungLamgu and 2 others for non-furnishing of below mentioned information by the PIO, o/o the Director of Elementary Education, Department of Education, Govt. of A.P Itanagar as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 08.09.2025.

A. Particulars of Information: Request to furnish information about primary & trained graduate teachers who got regularized through PwD certificate & meritorious sports person certificate as per OM No. AR-31/2019 Dated July 6, 2019 and OM No. -13/2000 dated July 8, 2001, respectively, including their regularized appointment letters, u/s 6(1) of RTI Act, 2005.

(1) Provide true copies of PwD Certificates as per OM No. AR-31/2019 Dated July 6, 2019, that formally forwarded by DDSE-Cum-DPO of the concerned districts to the Office of the Directorate of Elementary Education/ the State Project Director (SSA/ISSE), GOAP, Itanagar, before regularizing in respect of primary & trained graduate teachers, viz.

1. Shri Miding Lego,
2. Miss Nyari Pordung,
3. Miss Pill Yagar,
4. Shri Kaling Yaying,
5. Shri NialongRangto,
6. Miss Shanti Pertin,
7. Shri Tomram Pertin,
8. Shri Robin Mamo,
9. Miss Aroti Pari,
10. Shri YilukPotom,
11. Shri Bomjo Ado,
12. Shri Obit Tapok,
13. Shri Tapir Maung.
14. Shri Deepak Techhi Tara,
15. Shri Kumar Gyadi,
16. Shri Sisu Kino,
17. Shri Biyam Cheri,

18. Shri Tagiam Ngutte,
19. Tare Nungnu,
20. Miss YapungSingkom,
21. Khandu Niji,
22. Ranu Dubi,
23. Shri Jordang Singhi,
24. Miss Roshni Gapak,
25. Shri Duter Padung,
26. Shri Taba Tana,
27. Shri Yeshe Chhombey,
28. Tadar Rancho,
29. Shri Kolyon Moyong,
30. Tadar Rokpo,
31. Miss Pem Tsedar,
32. Miss OpetTatak,
33. Shri Kabak Dokum,
34. Shri Moniya Doka,
35. Shri Talar Nada,
36. Shri Taro Flago,
37. Shri Rajiv Brah,
38. Shri Ege Lollen,
39. Shri Kamin Moyong,
40. Miss Joram Maya and
41. Shri AikesonTayeng including their regularized appointment orders made issued by the Director of Elementary Education, GoAP, Itanagar.

(2) Furnish true copies of **Meritorious Sports Person Certificates** right from school level up to international level as per OM No.-13/2000 dated July 8, 2001, which officially conveyed by DDSE-Cum-DPO of the concerned districts to the Office of the Directorate of Elementary Education/ the State Project Director (SSA/ISSE), GOAP, Itanagar, prior to regularize in respect of primary & trained graduate teachers, namely:

1. Shri Nyato Doke,
2. Shri Dekio Sara,
3. Shri Nobin Tasso,
4. Shri Limphu Nikhangju,
5. Shri TabaBadsha,
6. Shri Nabam Tempo,
7. GyammarGolo,
8. Shri Neelam Daniel,
9. Shri Tadar Tugung,
10. SmtiTadarMepih,
11. Shri Taring Kaha,
12. Shri Kuku Rome,
13. Shri Nyajum Rina,
14. Shri Khano Degio,
15. Shri Tana Tania Tara,
16. Shri Tero Dodum,
17. Shri Ngilyang Richo,
18. Shri Toko Baby,
19. Shri Raluk Dui,

20. Miss Honi Yadar,
21. Shri Dongda Tanang,
22. Takum Yekar,
23. Miss Talo Onya,
24. Shri Magtu Mugli,
25. Shri Elemso Kri,
26. Shri Langkung Tajung,
27. Shri Tadar Tasung,
28. Miss Himmi Appu,
29. Shri Kakio Siga,
30. Miss Lali Tara,
31. Shri Yomli Sora, and
32. Tadu Oppo, along with their regularized appointment letters made provided by the Director of Elementary Education, GoAP, Itanagar.

Brief facts emerging from the appeal:

Records in the appeal reveal that the appellants had requested the PIO for the aforementioned information but failed to obtain the same within the statutory period of one month which prompted them to file appeal before the First Appellate Authority (FAA), the Director of Elementary Education, Department of Education, Govt. of A.P, Itanagar, under section 19(1) of the RTI Act vide their Memo of Appeal dt. 17.10.2025. But having failed yet again to obtain the information, they preferred second appeal before this Commission under section 19(3) of the RTI Act vide Appeal Memo dt. 26.11.2025.

This appeal was, accordingly, listed on 08.04.2026, wherein Shri Rapung Lamgu, one of the appellants, appeared in person but none appeared from the o/o the PIO.

This Commission, however, noticing that the FAA, the Director, Elementary Education, Itanagar, did not consider the appeal under section 19(1) of the RTI Act, remanded this appeal, vide order dt. 08.04.2026, to the said FAA for adjudication and passing an appropriate order in speaking form within 1(one) month from the date of receipt of the said order.

This Commission also concluded that the appellants, if aggrieved by the decision of the FAA, may prefer their 2nd appeal before this Commission under section 19(3) of the RTI Act within 90(ninety) days from the date of the FAA's order or from the date on which the FAA should have passed his order.

One of the appellants, namely, Shri Rapung Lamgu, vide letter dt. 15.06.2026 complained that the o/o the Director of Elementary Education, Itanagar, the FAA did not take any action on the appeal despite the direction from this Commission and therefore requested for admitting and hearing the appeal. The extract of the appellants' letter is as under:

"To

The State Information Commissioner,

APIC, Itanagar, 791111

Date: 15/06/2026

Sub:- Request for continuance of hearing for furnishing information under u/s 6(1) of RTI Act, 2025.

Ref No. APIC No.-869/2025/760, Dated Itanagar, the 08 April, 2026

Sir,

With due respect and humble submission, I would like to you to inform you that the PIO, Directorate, Elementary Education, Itanagar, hasn't taken any response thus far for furnishing information under u/s section of RTI Act, 2005 as related to the aforementioned APIC No. that's why being sought information from your esteemed office.

Therefore, you're requested to kindly admit this and keep continued for hearing as mentioned above.

This is for kind information and necessary action please.

Sd/-

Yours Sincerely,

Shri Rapung Lamgu."

This Commission perused the letter from the appellants as above and in terms of its order dt.08.04.2026, listed this appeal today on 22.07.2026 wherein the appellants Shri Rapung Lamgu and Shri Tame Yangfo and present in person. The PIO, Shri Minni Lego accompanied by his dealing Assistant is also present in person.

Heard the parties.

The appellants complained that despite this Commission's order dt.08.04.2026, the FAA did not conduct the hearing thereby violating the provisions of section 19(1) of the RTI Act, 2005.

The PIO and his assistant also fairly admits that the FAA, the Director Elementary Education, Department of Education did not conduct the hearing as mandated. **They also submitted that the requested information /documents were not furnished to the appellants as these are third party information.** But on pointed query, they replied that **the procedure laid down under Section 11 regarding disclosure of the third party information were not followed.**

The reply furnished by the PIO vide his letter dt.28.10.2026 rejecting the information is re-produced hereunder:

"Sir,

Enclosed please find herewith the information sought by Shri Rapung Lamgu and 2 (Two) others, address Chimpul Itanagar District Papum Pare Arunachal Pradesh for your further submission to the incumbent please.

S.N	Documents Required	Reply	Remarks
1	Provides the copies *of PwD Certificates as per OM No.AR-31/2019 Dated 6th July, 2019.	Please note that the request document is withheld in accordance with the provision of Supreme Court Ruling, the discloser of individual information is exempted and RTI under Section -8 (i) and (j) has been clearly seen.	Third Party Information
2	Provides the copies of Sports Person Certificates as per OM No.-13/2000 Dated 8th July, 2001.	do.....	Third Party Information

Yours Faithfully,

Sd/-

Digitally signed by Tage Kakki
TDDEE-cum- PIO."

Section 11 of the RTI Act, 2005 which deals with the 'third party information' reads as under:-

"11. (1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision."

From the foregoing, it is deduced that the PIO is mandated to follow the procedure of Section 11 of RTI Act, 2005 in dealing with third party information. But admittedly, the PIO did not invoke Section 11 but merely rejected the application on the ground of third party. The PIO has a duty to examine the disclosure of requested information and if public interest is involved, then such information has to be disclosed by communicating the same to the third party involved. In this case, the PIO having not followed the procedure of section 11, this Commission finds it a fit case where the PIO should be directed to reconsider the RTI application by following the procedure prescribed under section 11 and the provisions of section 8(1) (j) of RTI Act, as amended recently.

The PIO is, accordingly, directed which he will comply with within 1(one) month from the date of receipt of this order. The appellants shall, thereafter, within 1(one) week, intimate this Commission of the outcome of the decision for further consideration of the appeal, if so warrants.

Given under my hand and seal of this Commission on this 22nd July, 2026.

Sd/-
(S. TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-869/2025 / 771 Dated Itanagar, the 24 July, 2026

Copy to:

1. The Secretary/Commissioner (Education), Govt. of A.P, for information in terms of Paragraph 41 of the OM No.AR-111/2008 dt.21.08.2008 issued by the Govt. of A.P, Deptt. of Administrative Reforms which reads:
"41. If, in any case, the SPIO does not implement the order passed by the appellate authority and the appellate authority feels that intervention of higher authority is required to get his order implemented, he should bring the matter to the notice of the officer in the public authority competent to take action against the SPIO. Such competent authority shall take necessary action so as to ensure implementation of the provisions of the RTI Act."
2. The Director of Elementary Education, Department of Education, Govt. of A.P Itanagar, the First Appellate Authority (FAA) PIN: 791111 for information and ensuring compliance by the PIO concerned and third parties' attendance in hearing.
3. The PIO, o/o the Director of Elementary Education, Department of Education, Govt. of A.P Itanagar PIN: 791111 for information and necessary action for ensuring the attendance of the Third Parties (1 or 2 members each from the 2 groups mentioned in the RTI application).
4. The Members of the 2(two) categories of Certificate Holders for information and compliance.
5. Shri Rapung Lamgu, Shri Tame Yangfo and Shri KokamBangang, Chimpu, PIN: 791113), (Phone No. 8119866244) for information and compliance.
6. The Computer Programmer/Computer Operator for uploading on the website of APIC, please.
7. Office Copy.
8. S/Copy.

Ragini/24/26
Registrar/ Deputy Registrar
APIC, Itanagar.

Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar