



ARUNACHAL PRADESH INFORMATION COMMISSION
TANAGAR.

An Appeal Case U/S 19(3) of RTI Act, 2005
Case No. APIC- 319/2024.

Shri Maji Tayem & Shri James Teli Camdir,
Vill:Nirjuli, Dikrong Colony, PO/PS-Nirjuli,
Papum Pare District (A.P)

: APPELLANT

Vs

The PIO, o/o the Commissioner (Education), Govt.
of Arunachal Pradesh, Civil Sectt. Itanagar.

: RESPONDENT

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Maji Tayem & Shri James Teli Camdir for non-furnishing of information by the PIO, o/o the Commissioner, Education Govt. of Arunachal Pradesh Itanagar as sought for by them under section 6(1) (Form-A) of RTI Act, 2005 vide their application dated 29.07.2024.

Brief facts:

The appellants, vide their application dt.29.07.2024, had sought for the following information from the PIO, o/o the Commissioner, Education, Civil Sectt:

a) Details of recruitment:

- i) Junior Engineer Post;
- ii) Lower Division Clerk Post;
- iii) Draughtsman Post;
- iv) Peon;
- v) Computer Operator;
- vi) Copy of Advertisement and publication of date and year Published in News Paper;
- vii) Copy of appointment Order;
- viii) Details publication of written Examination and Viva-Voice;
- ix) Details list of No. of each post including regular and contingency post;

b) Period for which information asked for: 2011 to till date.

Records reveal that in response to the said RTI application the o/o the Commissioner (Education), vide letter dt.06.08.2024, signed by Shri K. Mossang, Under Secy.(Edn), had furnished to the applicants/appellants the information on appointment of 6(six) numbers of Junior Engineers and the copies of appointment orders thereof (Sl.Nos.(i) and (vii)). However, as against the copy of advertisement and its publication in the news paper (Sl. No:vi), the reply is "No comment".

Records further reveal that on being endorsed the copy of RTI application dt. 29.07.2024 to him, Ar. Shri Mojum Bam, the PIO, o/o the Executive Engineer, Engineering Wing, deptt. of education, vide letter dt. Nil furnished the following information:-

Sl. No	Information / sought by the applicant	Remarks
ii	Lower Division Clerk post	3 posts
iii	Draughtsman	2 post
iv	Peon	Nil
v	Computer Operator	Nil
vi	Copy of advertisement and publication of date & year published in news paper	Since appointment of all staff are made through Civil Sectt of education branch, Itanagar the office had no record.
vii	Copy of appointment order	1. LDC : 3 Nos 2. D/Man : 1 No
viii	Details of publication of written examination and viva-voce	Since appointment of all staff are made through Civil Sectt of education branch, Itanagar the office had no record.
ix	Detailed list of each post including regularized and contingency post	1.LDC – 3 post (regular staff) 2.D/Man- 1 post (regular staff) vacant 3.Contingency post - Nil

The applicants/appellant, having failed to obtain complete information as sought by them, filed 1st appeal before the Chief Secretary as the First Appellate Authority (F.A.A) under section 19(1) of the RTI Act, 2005 vide Memo of Appeal dt.06.09.2024 and having not received response from the o/o the Chief Secretary, filed their 2nd appeal before this Commission under section 19(3), vide their Memo of Appeal dt.11.11.2024.

Hearing & decision:

The appeal was, accordingly, listed for hearing on 13.12.2024 wherein Shri K. Mossang, the Under Secy.(Edn), Govt. of A.P, Civil Sectt. along with Ar. Shri Mojum Bam, Architect, the PIO, o/o the Executive Engineer, Engineering Wing, deptt. of education were present. The 2 appellants, Shri Maji Tayem & Shri James Teli Camdir were also present.

This Commission, upon hearing the parties, particularly the appellants, who reiterated their demand for the complete information, pointed out to them that they have wrongly filed their First Appeal under section 19(1) before the Chief Secretary as the F.A.A and the Commissioner (Edn) as the PIO and advised them to be careful in future to avoid the chances of dismissal of the appeal.

Be that as it may, on perusal of the information furnished by the Under Secy(Edn) and the PIO, o/o the Executive Engineer, Engineering Wing, this Commission observed that the reply, **“No comment”** against Sl. No:(vi) (Copies of Advertisement and publication in News Papers), furnished by the US (Edn) can not be treated as valid reply in as much as the same is not an ‘information’ or ‘documents’ as defined under the provisions of RTI Act. If the public authority concerned ‘does not hold’ a particular information/documents requested by an applicant, the reply has to be as such and not vague. The US(Edn)/PIO o/o the Commissioner (Edn), Civil Sectt. is, therefore, required to furnish a categorical reply against Sl. No.(vi) as demanded by the applicant/appellant in their application.

Further, the applicant/appellant had submitted, in the course of hearing, that the PIO, o/o the Executive Engineer, Engineering Wing has not furnished complete information/documents against the Sl. No.(ix) (detailed list of No. of each post including regularized and contingency post). They also stated that an office can not run without a peon, computer operator etc (MTS) as the PIO had replied against Sl. No.(iv) and (v).

This Commission also holds that the information/reply of the PIO should be categorical and complete unless exempted under relevant provisions of the RTI Act and accordingly directed the US(Edn), Govt. of A.P, Civil Sectt. and the PIO, o/o the Executive Engineer, Engineering Wing to furnish the left out information/documents to the appellants within 2(two) weeks from 13.12.2024 whereafter, the appellants shall intimate to this Commission their satisfaction or otherwise so as to fix the date of next hearing, if required.

Given under my hand and seal of this Commission on this 16th December, 2024.

Sd/-

(SANGYAL TSERING BAPPU)
State Information Commissioner,
APIC, Itanagar.

Memo No. APIC-319/2024/ 379 Dated Itanagar, the December, 2024

Copy to:-

1. The Under Secretary to the Chief Secretary, Govt. of Arunachal Pradesh Itanagar for information of the CS please.
2. The First Appellate Authority (FAA), the Commissioner (Education), Govt. of Arunachal Pradesh, A.P Civil Sectt., Itanagar for information please.
3. The U/Secy.(Edn)/PIO, o/o the Commissioner (Education) Govt. of A.P, Civil Sectt., Itanagar for information & compliance.
4. Ar. Shri Mojum Bam, the PIO, o/o the Executive Engineer, Engineering Wing, Govt. of A.P, Itanagar for information and compliance.
5. Shri Maji Tayem & Shri James Teli Camdir, Vill: Nirjuli, Dikrong Colony, PO/PS-Nirjuli, District Papum Pare (A.P) PIN: 791109 Mobile No. 9402801394 for information.
6. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
7. Office copy.


Registrar/ Deputy Registrar

APIC, Itanagar

Registrar
Arunachal Pradesh Information Commission
Itanagar.