



**ARUNACHAL PRADESH INFORMATION COMMISSION, (APIC)
ITANAGAR.**

**An Appeal Case U/S 19(3) of RTI Act, 2005
Vide Case No. APIC- 835/2023.**

**(Summon to appear in person)
(Or.5, R.3 of CPC)**

Shri Shri Palen Laa & Smt. Yukar Yaga **APPELLANT**
c/o Jullang near Sonam Nursery, PO/PS- Itanagar,
District Papum Pare, A.P
PIN: 791111

Vs

The DDSE-cum-PIO o/o the Deputy **RESPONDENT.**
Director of Secondary Education, Department of
Education, Raga, Kamle District, A.P
PIN:791120

ORDER

This is an appeal under Section 19(3) of RTI Act, 2005 received from Shri Palen Laa & Smt. Yukar Yaga for non-furnishing of information by the DDSE-cum-PIO o/o the Deputy Director of Secondary Education, Department of Education Raga, Kamle District A.P as sought for by the Appellant under section 6(1) (Form-A) of RTI Act, 2005.

The hearing of this case was fixed today on 21/08/2024

The PIO o/o the Deputy Director of School Education, Raga, Kamle District, Shri Tamchi Taniang, District Programme Co-ordinator (DPC) was present and the Appellant, Shri Palen Laa who was absent informed vide his letter dated 19-08-24 that he shall not be able to attend the hearing as he has to attend the Court of Chief Judicial Magistrate at Daporijo. The PIO submitted that he has not received the application dated 20/06/23 for information submitted by the appellant Shri Palen Laa and requested the Commission to provide a copy of the application filed by the appellant. As requested the copy of the application dated 20-06-23 for information along with the memo of application dated 24/07/23 filed before the First Appellate Authority i.e. the Deputy Commissioner, Kamle District has been provided to the PIO.

The records as emerged from the appeal disclose that this appeal under Section 19 (3) of the RTI Act, has been preferred without exhausting the process of adjudication by which the 1st redressal forum i.e. the First Appellate Authority, the Deputy Commissioner, Kamle District under Section 19(1) of the RTI Act, although the appellant had filed his appeal vide Memo of appeal dated 24/07/23.

As mandated by the provisions of Section 19 (1) of the RTI Act, the First Appellate Authority is required to adjudicate on the appeal filed before him and pass an appropriate order in speaking form either allowing the disclosure of the information(s) sought for rejecting the information (s) recording thereunder the reasons for the same.

In the instant case the First Appellate Authority, having not discharged its mandated duty under the RTI Act, the Commission sees this case as a fit case to be remanded to the First Appellate Authority, the Deputy Commissioner, Kamle District for adjudication and passing an appropriate speaking order giving justification for the decision arrived at.

Accordingly, this appeal is remanded to the Deputy Commissioner, Kamle district with a direction to adjudicate on the appeal and pass an appropriate speaking order with intimation to this Commission within a period of one month from the date of receipt of this order.


The Appellant is allowed Liberty to prefer second appeal under Section 19(3) of the RTI Act, if he is aggrieved or dissatisfied with the order passed by the First Appellate Authority.

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

Memo No. APIC-835/2023/154
Copy to:-

Dated Itanagar, the 23 August, 2024

1. The DDSE-cum-PIO o/o the Deputy Director of Secondary Education, Department of Education, Raga, Kamle District, A.P PIN: 791120 for information & necessary action please.
2. Shri Palen Laa & Smt. Yukar Yaga c/o Jullang near Sonam Nursery, PO/PS- Itanagar District Papum Pare, A.P PIN: 791111 Mobile no.7085354892 for information.
3. The Computer Programmer/Computer Operator for uploading on the Website of APIC, please.
4. Office copy.


Registrar/ Deputy Registrar
APIC, Itanagar.
Deputy Registrar
Arunachal Pradesh Information Commission
Itanagar