

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

**Present: Shri Sunil Kumar Misra
State Chief Information Commissioner**

Dated: 17th January, 2018

Second Appeal No.967/2015

Jatindra Barik,
At-Manikhamb
(Panthi Mandir Gali),
P.O-Motiganj,
District-Balasure

..... Appellant

- Vrs -

(1)Public Information Officer,
(2)First Appellate Authority
Office of the Block Education Officer,
Balasure Sadar Block,
District-Balasure,

..... Respondents

Decision

1. Appellant, Jatindra Barik, is present. Kamalakanta Sahoo, PIO-cum-ABEO, Office of the Block Education Officer, Sadar, Balasure is also present. The PIO makes a written submission. The same is taken on record.
2. The appellant filed the subject appeal vide an appeal memo in Form-E dated 20.04.2015 enclosing therewith, among other things, three applications in Form-A dated 11.12.2014, 12.12.2014 and 24.12.2014 and two appeal memos in Form-D dated 27.01.2015 and 28.01.2015. The appellant alleged in the second appeal that the PIO and the First Appellate Authority did not take necessary action on the applications filed by him

under Section 6(1) as well as first appeal memos filed by him under Section 19(1) of the Act.

3. At the time of vide earlier hearings on 25.05.2017 and 11.10.2017, after noting that the appellant had filed a single / combined appeal in continuation of three separate sets of applications in Form-A and appeal memos in Form-D, the Commission had given an opportunity to the appellant to state as to which specific set of application in Form-A and appeal memo in Form-D the subject appeal relates to. In response to the query thus raised, the appellant has submitted during the course of the hearing today that he has since rectified the error earlier committed by him of filing single appeal against separate sets of applications in Form-A and appeal memos in Form-D; and, he has also filed separate second appeals before the Commission vide appeal memos dated 24.08.2017 and 24.4.2017.

3.1 In view of the submission thus made by the appellant, the Commission does not consider it necessary to proceed with the subject appeal any further. The same is accordingly closed.

4. In connection with the hearings in this case notices had been earlier issued thrice to the PIO and the Headmaster of Manikhamba Primary School. However, while one notice was returned with the remarks: "door locked", two other notices were returned with the remarks: "addressee refused". In the circumstances, the Commission appointed the District Education Officer, Balasore as an Authorized Officer under Rule 7(1)(c) of the Odisha Information Commission (Appeal Procedure) Rules, 2006 with a direction to make an enquiry into the matter and ascertain as to how the notices issued by the Commission to the PIO and the Headmaster of Manikhamba Primary School were returned / not received. In compliance of the direction thus issued, the DEO made an enquiry and submitted his report. It was reported by the DEO that the notices could not be served as

the School was closed during the relevant period due to hot summer. During the said period, the teachers were attending the School only in the forenoon session.

5. The DEO's enquiry report has been considered. He is hereby directed to ensure that under no circumstances any communication under the RTI Act, 2005 is permitted to be returned or refused. Even during vacations, suitable alternative arrangements must be put in place to deal with RTI matters so that such matters get disposed of within the prescribed period. Any deviation from the above shall be viewed adversely. Registry is directed to mark a copy of this order to the Principal Secretary of the School & Mass Education Department, Government of Odisha who shall issue suitable instructions for implementation of the above direction in all the Institutions in the State within his jurisdiction.

6. With the above observations and direction, the subject appeal stands disposed of.

Pronounced in open Proceedings

Given under the hand and seal of the State Commission, this the 17th Day of January, 2018.

State Chief Information Commissioner
17.01.2018