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[Signature]
21.3.2017

By Mail
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22/3/17
RTI URGENT

GOVERNMENT OF ODISHA
DEPARTMENT OF SCHOOL AND MASS EDUCATION

No. 4904 /SME, Date 18-3-17
SME-RTI-RTI-0160/2017

From
Smt. Ranjana Chopra, IAS
Commissioner-cum- Secretary to Government.

To
All the Directors,
All the District Education Officers
under S&ME Department.

Sub- Assignment of the RTI work to trained and authorised official
Sir,

I am to refer the order dt 06.01.2017 of Hon'ble Odisha Information Commission passed in 2nd Appeal No 1553/2014 (copy enclosed) filed by Sri Radhakanta Sahu and to say that it has been shown severe negligence on the part of office of Block Education Officer, Digapahandi in the District of Ganjam in dealing with the RTI application Dt 17.02.2014 filed by Sri Radhakanta Sahu. The Hon'ble Commission has expressed their displeasure on the way the office and PIO of Block Education Officer, Digapahandi has dealt the particular application by assigning the RTI work to a Data Entry Operator in the absence of the PIO and appointing an untrained and unauthorised official as the PIO.

You are therefore, requested to issue suitable instructions for restructure of your office as well as offices under your administrative control for effective and expeditious handling of RTI matters. In no case untrained and unauthorised officials be assigned the RTI works of the concerned offices. Any deviation in this regard will be viewed seriously.

Yours faithfully,

[Signature]
18/3

Commissioner-cum-Secretary to Government

Memo No. 4905 /SME Dt. 18-3-17

Copy forwarded to the Legal Scrutinizer-Cum- Sheristadar, O/O the Odisha Information Commission, Block-B 1, Toshali Bhawan, Satyanagar, Bhubaneswar, Pin-751007 for kind perusal of the State Chief Information Commissioner.

[Signature]

Commissioner-cum-Secretary to Government

DIRECTORATE OF TE & SCERT, ODISHA, BHUBANESWAR.

Memo No 2274 Date. 22.3.2017.
Copy forwarded to all TTIs of the state

Received on
22/03/17

DA for n.a.
Circulate to field instrns.
Shetom
22/03/17

Shetom 22/03/17
Public Information Officer

OSWAS
08/12/17

Odisha Information Commission
Block-B-1, Toshali Bhawan,
Satyanagar,
Bhubaneswar-751007

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S.A. No- 1553/2014

Decision Dt:- 06/01/2017

Memo No- _____ / OIC Dt. _____

Copy forwarded to Radhakanta Sahu, Gajapati Nagar-07,
Berhampur, Ganjam district, Pin-760010 for information.

A
BH
4.2.17



Law Officer

21.02.2017

Memo No- _____ / OIC Dt. _____

Copy forwarded to the Public Information Officer, Office of the
Block Education Officer, Digapahandi, Ganjam district for information &
necessary action as directed.

Law Officer

21.02.2017

Memo No- 5343 / OIC Dt. 23.2.17

Copy forwarded to the Principal Secretary, School & Mass
Education Department, Govt. of Odisha, Secretariat, Bhubaneswar,
Khurda district for information & necessary action as directed in para (9).

Law Officer

21.02.2017

15

**ODISHA INFORMATION COMMISSION
BHUBANESWAR**

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

Dated: 6th January, 2017

Second Appeal No.1553/2014

Radhakanta Sahu,
Gajapati Nagar-07,
Berhampur-10,
District-Ganjam

..... Appellant

- Vrs -

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

..... Respondents

Decision

1. Appellant, Radhakanta Sahu, is absent. Suryamani Behera, Ex-PIO-cum-Senior Clerk, Office of the Block Education Officer, Digapahandi; Bijaya Kumar Behera, Retired Block Education Officer, Digapahandi; and, Chumki Sabat, Ex-Data Entry Operator, Office of the Block Education Officer, Digapahandi are present. The ex-PIO and the Ex-BEO also make their written submissions which are taken on record.

1.1 During earlier proceedings, Koresh Sethy, PIO-cum-ABEO, Office of the Block Education officer, Digapahandi and Pranati Mohanty, First Appellate Authority-cum-Block Education Officer, Digapahandi had appeared and had been heard.

19

2. Vide an application in Form-A dated 17.2.2014, filed with the PIO, Office of the Block Education Officer, Digapahandi, District Ganjam, the appellant had requested the said PIO to provide him certain information which had been listed out in the said application at sl.Nos.1,2 & 3. He had also wanted to know from the PIO as to whether or not any action had been taken on the basis of the letter No.18910 dated 15.12.2013 sent by the District Education Officer to the Block Education Officer; and, if so, he had sought details along with copies of orders etc. in relation to the action thus taken.

2.1 Vide the said letter dated 15.12.2013, the District Education Officer had forwarded to the Block Education Officer a complaint petition filed by Radhakanta Sahu, the appellant, and Susanta Kumar Sahu with the Collector, Ganjam and S.P.(Vigilance), Berhampur regarding illegal appointment of one Chandra Sekhar Sahu as Hindi Teacher in the Basudev High School, Banamali, Ganjam. Vide the said letter the DEO had requested the BEO to look into the matter personally and submit a detailed report along with specific views regarding actions to be taken.

3. As the appellant did not receive any information from the PIO, he filed first appeal vide an appeal memo in Form-D dated 27.3.2014. On disposal of the said first appeal, the First Appellate Authority-cum-BEO issued to the appellant a letter dated 25.4.2014 thereby informing him that his application in Form-A dated 17.2.2014 had not been received. Vide this letter the appellant was also requested to submit a Xerox copy of the said application form and also mention his mobile number so that the required information could be made available to him.

4. Aggrieved with the above communication of the First Appellate Authority, the appellant preferred the subject second appeal alleging therein that neither the PIO nor the First Appellate Authority provided any information and, instead, took the plea that his application in Form-A had not reached them whereas enquiry made by him (appellant) with the Senior Superintendent of Post Office, Berhmapur revealed that the said application had been received by one Chumki Sabat, MDM in the Office of the Block

Education Officer, Digapahandi on 18.2.2014. It was accordingly alleged by the appellant that the concerned authorities had deliberately misled him and also not provided any information for which they be penalized.

5. During the course of proceedings before the Commission, the ex-PIO, Suryamani Behera, Office of the BEO, Digapahandi made a written submission stating therein that he had never got the application and came to know about it only after the appellant had filed first appeal. Thereafter, he searched for the application and also made due inquiries. Then he came to know that the application had been received by Ex-Data Entry Operator, Chumki Sabat. On being contacted, Chumki Sabat who had by then left the service informed that she had handed over the application to Bijaya Kumar Behera, now retired BEO, Digapahandi. Bijaya Kumar Behera in turn denied to have received any application from Chumki Sabat. By then the appellant had already been requested by the First Appellate Authority to submit a copy of the original application in Form-A. However, as the appellant merely furnished a duplicate copy and, moreover, the letter referred to in the said application was not available, the application in Form-A was rejected.

6. In the light of the submission thus made by the ex-PIO, the Commission directed the present BEO to make an enquiry into the matter and identify the persons responsible for the lapses. The BEO was also directed to submit a report in the matter. In pursuance of the said order, the BEO made enquiry and submitted his report wherein he named Bijaya Kumar Behera, the then BEO; Suryamani Behera, PIO and Chumki Sabat, Ex-Data Entry Operator as responsible.

7. After receipt of the report of the Enquiring Officer the Commission directed the aforementioned three persons to show-cause as to why action should not be taken against them. At the time of the hearing today i.e. 6.1.2017 all the three persons appeared and made their written submissions. Suryamani Behera, ex-PIO reiterated the submissions which had been earlier made by him at the time of the hearing on

2

11.7.2016. It was pleaded by him that being a clerk with no qualification to discharge the role of the PIO, he had found it extremely difficult to attend to RTI related matters. Accordingly he pleaded for forgiveness for any lapse on his part. Chumki Sabat stated that she had of course received the application in Form-A but had duly handed over the same to the BEO. It was also submitted by her that soon after she left the job. The Ex-BEO submitted that he had never neglected RTI related matters and had always directed his Clerk, Suryamani Behera, to provide proper information within the stipulated dates. It was also submitted by him that he retired from service from 30.4.2014.

8. The Commission has carefully considered the submissions thus made by all concerned. The Commission has also taken note of the fact that while the Office of the BEO had earlier stated that the letter dated 15.12.2013 of the Collector was not available, nevertheless during the course of the proceedings in connection with the subject second appeal, the same was obtained from the Office of the District Education Officer, Ganjam, Berhampur on 23.7.2016. Thereafter, an enquiry into the allegations made by Radhakanta Sahu and Susanta Kumar Sahu was contacted by the BEO, Digapahandi on 26.7.2016. On the conclusion of the enquiry, the BEO, Digapahandi submitted his report to the DEO, Ganjam, Berhampur; the Collector & District Magistrate, Ganjam, Chatrapur; and the S.P.(Vigilance), Berhampur for information and necessary action. The BEO also provided copy of the said report to the appellant vide his Office letter No.1971 dated 19.10.2016. During the course of the proceedings, the BEO submitted a copy of the letter dated 4.8.2016 thus sent to the appellant. It is seen that the said letter was sent by registered post dated 5.8.2016.

9. In view of the actions thus taken on the basis of the letter dated 15.12.2013 referred to in the application in Form-A and also as copy of the enquiry report has been sent to the appellant as desired by him, the Commission is of the view that the appellant has been provided with the information he had asked for. Therefore, the only issue that remains to be looked into is the delay in supplying the said information. Earlier, the submissions made by all concerned in the matter have been noted. It appears that the

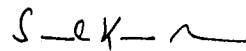
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delay occurred mainly because of ^① appointment of an untrained official as the PIO, and assignment of the RTI work to a Data Entry Operator in the absence of the PIO. Even in his enquiry report, the present BEO has wondered as to how the RTI application came to be received by the said Data Entry Operator who was not authorized to receive RTI applications at all. It is thus apparent that the delay in attending to the application in Form-A of the present applicant is only attributable ^② to absence of a proper system in place to deal with RTI matters. The RTI Act being a pro-active and beneficial piece of legislation, the concerned authorities should have taken due care to appoint senior personnel to man the responsibility for implementation of the Act. A copy of this order be marked to the Principal Secretary, School & Mass Education Department ^③ with an advice to revise the structures in place and to make such alternations as would enable effective and expeditious handling of RTI matters.

10. With the above observations and recommendation, the subject second appeal stands disposed of.

Pronounced in open Proceedings

Given under the hand and seal of the State Commission, this the 6th Day of January, 2017.



State Chief Information Commissioner