

No: A/17/MIC - 2024

MANIPUR INFORMATION COMMISSION

SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.
Phone No: 0385-2456495



Appeal Case No. 17 of 2024

Shri K. Manihar Singh. – Appellant

-vs-

The SPIO/ Sr. A.O. (i/c), Directorate of University and Higher Education, Manipur & Anr. –
Respondents

DECISION

Imphal, 16th July, 2024

The FAA and the SPIO are represented by Shri N. Santajit Singh, Legal Officer and Shri L. Ibotombi, Legal Officer respectively. The deemed SPIO/ Principal, Pole Star College is represented by Ms. L. Kunjarani Devi, Advocate. The Appellant is present through video/ audio conference.

During the hearing, the Appellant submitted that he has received satisfactory clarification from the respondents/ College Authority and requested the Commission to close the appeal proceedings.

Accordingly, the appeal case is closed.

Announced in the open chamber.

Sd/-

(K. Radhashyam Singh)

State Chief Information Commissioner,
Manipur Information Commission.

Typed by: -

Compared by: -

Authenticated by

(S. Inao Singh)

Deputy Registrar (Judicial -I)
Manipur Information Commission

Copy to: -

1. The FAA/ Commissioner, University & Higher Education, Govt. of Manipur.
2. The SPIO/ Director, University and Higher Education, Manipur.
3. The Deemed SPIO/ Principal, Pole Star College, Manipur.
4. Shri K. Manihar Singh.
Sekmajin Khunou, Kakching District, Manipur.



MANIPUR INFORMATION COMMISSION

SECRETARIAT NORTH, BLOCK, GROUND FLOOR,

BEHIND WESTERN BLOCK,

IMPHAL, MANIPUR.

Phone No: 0363-2456495



Appeal Case No. 164 of 2022

Th. Sanjit Singh – Appellant

vs.

The SPIO/ A.O. Directorate of Higher Education (Hdu - U), Govt. of Manipur & Assam. – Respondents

DECISION

Imphal, 2nd September, 2024

The FAA is represented by Shri N. Shantajit Singh, Legal Officer whereas the SPIO is represented by Smt. H. Sofia, Senior AO through video conference. The Appellant is also present. The deemed SPIO is represented by Shri Ng. Jotindra Luwang, Advocate.

Facts of the Case: -

The Appellant has filed his RTI Application dated 29.8.2022 to the SPIO, Directorate of Higher Education, Government of Manipur and sought certain information relating to Shree Shree Gourgobind Girls' College on two points i.e., (1) list, names, designation, DOB, first appointment orders, for teaching and non-teaching staff from 1992 to till date. (2) list of teaching and non-teaching staff who tendered resignation, suspended, and terminated from their respective posts along with orders copies.

Getting no response from the SPIO, the Appellant had filed his First Appeal Application dated 13.10.2022 to the FAA/ Commissioner, Higher and Technical Education, Government of Manipur. Again, getting no response from the FAA too, he filed his Second Appeal to this Commission on 13.12.2022.

The case was heard on 17.1.2023, 14.2.2023, 15.3.2023, 3.4.2023, 21.4.2023, 17.7.2023, 2.8.2023, 25.8.2023, 6.9.2023, 18.9.2023, 26.9.2023, 30.10.2023, 8.11.2023, 23.11.2023, 7.12.2023, 18.12.2023, 10.1.2024, 30.1.2024, 28.2.2024, 7.3.2024, 20.3.2024, 8.4.2024, 10.5.2024, 21.5.2024, 20.6.2024, 10.7.2024, 15.7.2024, 22.8.2024, 2.9.2024.

During the course of hearing on the representative of the FAA submitted that the information sought by the Appellant are in the custody of Shree Shree Gourgobind Girls' College and requested the Commission to summon the concern Principal. He also submitted that that no Governing Body of the college was formed/ constituted after it became a Government aided College in the year 2021. And, as such, no financial assistance has been granted to the College till date. He also submitted that a writ petition regarding formation of the College Governing Body is pending before the Hon'ble High Court of Manipur.

The Principal of Shree Shree Gourgobind Girls' College was impleaded as the deemed SPIO vide decision dated 14.2.2023. Even though the Ld. Counsel of the deemed SPIO assured to provide certified copies of the information before 6.9.2023, the deemed SPIO failed to provide the information within the time assured by him. Accordingly, a Show Cause notice was issued to the said deemed SPIO on as to why a penalty of Rs. 250 - (Rupees two hundred and fifty) only per day and at the maximum of Rs. 25, 000/- (Rupees Twenty five thousands) only should not be imposed against him under Section 20 (1) of the RTI Act, 2005 for failure to provide the required information to the Appellant within the mandated period of 30 days vide decision dated 26.9.2023.

The deemed SPIO has submitted her written explanation to the Show Cause notice on 18.12.2023. On perusal of the Show Cause reply, it is found that part of the information which was to be provided to the Appellant directly was found mixed up together with her Show Cause reply. Accordingly, the deemed SPIO was directed again to provide the available information direct to the Appellant and also to submit a separate Show Cause reply by mentioning clearly the details of the officials with proper designation of the actual custodian of the information vide decision dated 18.12.2023.

The deemed SPIO vide her Application dated 27.12.2023 has furnished part of the information in respect of query No.1 i.e. list of teaching and non-teaching staff of the Shree Shree Gourgobind Girls's College as furnished to the National Assessment and Accreditation Council (NAAC) separately. She also submitted that she does not have the custody of the other required documents in respect of query No. 1 & 2 and the same is still awaited from the Managing/ Governing Body of the College. Accordingly, Shri A. Irabot Meitel, the President of the College was also impleaded as deemed SPIO, vide decision dated 10.1.2024. However, after taking the statement of Shri Irabot Singh, he was relieved from the Appeal proceedings. The deemed SPIO, Principal of Shree Shree Gourgobind Girls' College vide her application dated 20-03-2024 submitted that all the information sought by the appellant had been provided to the appellant vide information dated 07-03-2024. She also apologized for any mistake, omission or lapses if ever committed by her.

During the course of hearing both the Appellant and the deemed SPIO submitted their argument and counter argument. The Appellant submitted that only the initial/ first appointment orders sought in query No.1 is the only information which is pending to be provided.

The Ld. Counsel of the deemed SPIO submitted that as the Shree Shree Gourgobind Girls' College is exclusively a private body and the copies of first appointments orders are personal information as defined under Section 2 (f) read with Section 8 (1) (j) of the RTI Act, 2005, the same could not be provided to the Appellant. He also submitted that the final lists of both teaching and non-teaching staff and their first appointment orders are not yet submitted to the Government due to lack of clarity on the formation of Governing Body of the College. He further assured that as and when the college has submitted the said list/ appointment orders of the college to the Government, the left out information i.e. first appointment orders of Teaching and Non Teaching staff of the college will be provided to the Appellant. He also cited two case laws passed by the Central Information Commission in Dharmesh M. Patadiya -vs- CPIO, UGC & Anr. and Mr. Rakesh Kumar Agrawal -vs- CPIO, Indian Institute of Management, Kashipur.

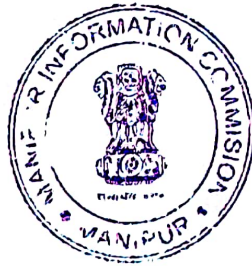
In response, the Appellant submitted that only after submission of the list of teaching and non-teaching staff to the Government, the college was converted as Government aided college in the year 2021. He also submitted that he filed the present RTI Application in Public Interest to know the wrong doers in the management of the college itself and the SPIO is compelled to provide the first appointment orders of the Teaching and Non Teaching staff of Shree Shree Gourgobind Girls' College. However, he expressed his willingness to close the appeal proceedings as the SPIO and the deemed SPIO has given their assurance to provide the initial appointment orders of the Teaching and Non Teaching staff of Shree Shree Gourgobind Girls' College after the said list and orders are submitted to the Government. The appellant also pressed for awarding compensation for the detriment suffered by him in seeking the information.

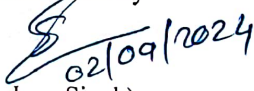
Observation and Decision: -

After hearing from both the parties and perusal of case records, the Commission also feels unhappy to the mode of dealing RTI matters by the Respondents, specially the deemed SPIO/ Principal Shree Shree Gourgobind Girls' College. However, considering the law and order situation in the state and inconveniences caused to the deemed SPIO as explained during the course of hearing and also as agreed by both the parties, no further proceedings for providing the first appointment orders of the Teaching and Non Teaching staff of Shree Shree Gourgobind Girls' College at this juncture is called for. Regarding claim for awarding compensation to the appellant, the Commission finds that it seems very remote to fix the Public Authority i.e. Directorate of University & Higher Education for the delay in providing information to the appellant as the said college was purely a private college before it was converted into a Government Aided College in the year 2021 and no funds are sanctioned to the college as there is no clarity on the formation of its Management Committee till date. Hence, the prayer of the appellant for awarding compensation is not acceded to.

With the above observation the appeal case is closed.

Announced in the open chamber.



Sd/-
(K. Radhashyam Singh)
State Chief Information Commissioner
Manipur Information Commission
Authenticated by

(S. Inao Singh)
Deputy Registrar (Judl. I),
Manipur Information Commission

Copy to: -

1. The FAA/ Commissioner (Higher & Technical Education), Govt. of Manipur.
2. The SPIO/A.O, (Higher & Technical Education), Directorate of University of Higher Education, Govt. of Manipur.
3. The Deemed SPIO/ Principal, Shree Shree Gourgobind Girls' College, Khurai Sajor Leikai, Imphal East, Manipur.
4. Shri A. Irabot Singh, deemed SPIO/ President, Governing Body, Shree Shree Gourbind Girls' College.
5. Th. Sanjit Singh
Thiyam Leishangkong H/S, Wangoi Imphal West, Manipur.

Note: - For online hearing, he/she is requested to download the Jitsi Meet app for use on a mobile phone or use the link <https://meet.jit.si/MICI> for video conference (VC) on computer and enter the room name as MIC1.



No: A/15/MIC - 2024
MANIPUR INFORMATION COMMISSION
SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.
Phone No: 0385-2456495



Appeal Case No. 15 of 2024

Shri Th. Sanjit Singh – Appellant

-vs-

The SPIO/ A.O. (Hr. Tech Education), Govt. of Manipur & Anr. – Respondents

DECISION

Imphal, 15th July, 2024

The FAA and SPIO are represented by Shri N. Santajit Singh, Legal Officer and Shri L. Ibotombi, Legal Officer respectively. The deemed SPIO/ Shree Shree Gour Gobind Girls' College is represented by Shri Ng. Jotindra Luwang, Advocate. The Appellant is also present.

During the hearing, the representative of the SPIO provided the additional information dated 15-07-2024 as directed by this Commission on 10-07-2024, to the Appellant today.

After perusal of the said information, the Appellant also submitted that he is satisfied with the information and agreed to close the appeal proceedings.

Accordingly, the appeal case is closed.

Announced in the open chamber.

Sd/-

(K. Rhadashyam Singh)
State Chief Information Commissioner
Manipur Information Commission

Authenticated by

(S. Inao Singh)

Deputy Registrar (Judl. -1),
Manipur Information Commission

Copy to: -

1. The FAA/ Commissioner (Hr & Tech Education), Govt. of Manipur.
2. The SPIO/ A.O. (Hr. Education), Govt. of Manipur.
3. Shri Th. Sanjit Singh # 7005948218

No: A/163/MIC - 2022

MANIPUR INFORMATION COMMISSION

SECRETARIAT NORTH BLOCK, GROUND FLOOR,
BEHIND WESTERN BLOCK,
IMPHAL, MANIPUR.
Phone No: 0385-2456495



Appeal Case No. 163 of 2022

Th. Sanjit Singh – Appellant

-vs-

The SPIO/ Administrative Officer, Higher Education, Govt. of Manipur & Anr. – Respondents

DECISION

Imphal 10th July, 2024

The FAA and the SPIO are absent. The deemed SPIO/ Principal, Shree Shree Gourgobind Girls' College, Shri Ng. Jotindra Luwang, Advocate. The Appellant is also present.

Facts of the case: - The Appellant had filed his RTI application to the SPIO/ Administrative Officer, Directorate of University & Higher Education, Govt. of Manipur on 29-08-2022 and sought certain information relating to Shree Shree Gourgobind Girls' College, Khurai, Imphal East, Manipur. Getting no response from the SPIO, the Appellant filed first appeal application to the FAA/ Commissioner (Higher & Technical Education), Govt. of Manipur on 13-10-2022 and then his second appeal to this Commission on 13-12-2022.

The case was heard on 17-01-2023, 14-02-2023, 15-03-2023, 03-04-2023, 21-04-2023, 17-07-2023, 02-08-2023, 25-08-2023, 06-09-2023, 18-09-2023, 26-09-2023, 30-10-2023, 08-11-2023, 23-11-2023, 07-12-2023, 18-12-2023, 10-01-2024, 30-01-2024, 28-02-2024, 07-03-2024, 20-03-2024, 08-04-2024, 10-05-2024, 21-05-2024, 20-06-2024 and 10-07-2024.

During the course of hearings, the SPIO submitted that he/ she had transferred RTI application to the Principal, Shree Shree Gourgobind Girls' College as the matter is concerned with the Office of the Shree Shree Gourgobind Girls' College vide letter dated 20-09-2022 for providing necessary information to the Applicant. He/ She also submitted that the Appellant was informed that the matter was not directly related to the Directorate of University & Higher Education, Govt. of Manipur and to collect the sought information from Office of the Principal, Shree Shree Gourgobind Girls' College vide letter dated 14-03-2023.

The Principal, Shree Shree Gourgobind Girls' College was impleaded as deemed SPIO in the present appeal proceedings vide decision dated 15-03-2023. On 06-09-2023, the Commission directed the deemed SPIO to provide the available information and also to submit his/ her written explanation for the delay in providing the information to the Appellant. The Commission also issued show-cause notice to the deemed SPIO for failure to provide the required information to the Appellant within the mandated period of 30 (thirty) days vide decision 26-09-2023. However, the deemed SPIO failed to turn up before the Commission repeatedly and her show-cause reply was submitted only on 07-12-2023. And, as per submission of the Ld. Counsel of the deemed SPIO, Shri A. Irabot Meitei, President of Shree Shree Gourgobind Girls' College was impleaded as deemed SPIO vide decision dated 10-01-2024 and his statement was taken on 30-01-2024 and 07-03-2024 respectively and he has been exempted as a party respondent in the appeal proceedings.

During the pendency of the case, the deemed SPIO/ Principal, Shree Shree Gourgobind Girls' College has provided reply/ information dated 14-03-2023, 18-09-2023, 07-12-2023, 18-12-2023, 27-12-2023, 05-02-2024, 07-03-2024, 20-03-2024 and 21-05-2024. She also submitted that the Department of Higher & Technical Education, Govt. of Manipur awarded Grant-in-Aid to the Shree Shree Gourgobind Girls' College only on 25-10-2021.

The Appellant also filed his rejoinder dated 08-04-2024 and stated that he had received incomplete, false, misleading information from the deemed SPIO.

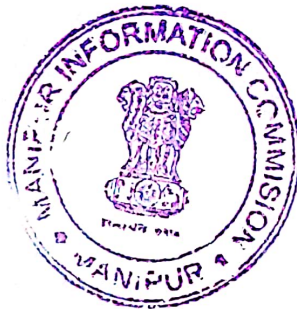
During the hearing today, the Appellant submitted that the information provided by the deemed SPIO are not authenticated by the President, Governing Body of the College and also pressed for awarding compensation for the detriment suffered by him in accessing the information.

During the course of hearings, the representative of the FAA also submitted and clarified that as no Governing Body was formed/ constituted after the said Shree Shree Gourgobind Girls' College became a Govt. Aided College in year 2021 and as such, no financial assistance has been granted to the college till date.

After hearing from both the parties and perusal of the case records, the Commission is of the view that the respondents are bound to provide disclosable information available during the Govt. Aided period i.e. from 25-10-2021 to 29-08-2022 (date of the filing of the RTI application) and the sufficient available information had been provided to the Appellant during the pendency of the proceedings. Regarding imposition of penalty and awarding compensation claimed by the Appellant, the Commission is also of the view that the reasons for delay in providing the information to the Appellant as mentioned in the show-cause reply of the deemed SPIO/ Principal, Shree Shree Gourgobind Girls' College dated 07-12-2023 and 27-12-2023 are found agreeable.

With the above facts and observation, the appeal case is closed.

Announced in the open chamber.



Sd/-

(K. Rhadashyam Singh)
State Chief Information Commissioner
Manipur Information Commission

Authenticated by
S 10/07/2024
(S. Inao Singh)

Deputy Registrar (Judl. -I),
Manipur Information Commission

Copy to: -

1. The FAA/ Addl. Chief Secretary, Principal Secretary, Commissioner, Secretary (Higher & Technical Education), Govt. of Manipur.
2. The SPIO/ Director, Education (U), Govt. of Manipur.
3. The Deemed SPIO/ Principal, Shree Shree Gourgobind Girls' College, Khurai Sajor Leikai, Imphal East, Manipur.
4. Th. Sanjit Singh