

**No. S.A. 83/2021 – MIC**  
**MIZORAM INFORMATION COMMISSION**  
**MIZORAM NEW CAPITAL COMPLEX**  
**KHATLA, AIZAWL**

*Mr. C. Tlanthianghlina,*

*Mission Veng,*

*Ph: 8486302041 / 8837473360*

*Mizoram, Aizawl.*

*Appellant*

*Mr. Lalnunvula,*

*State Public Information Officer (SPIO),*

*&*

*Under Secretary,*

*Higher & Technical Education Department,*

*Mizoram, Aizawl.*

*Respondent*

**ORDER**  
**(17.12.2021)**

1. Pu C. Tlanthianghlina, Mission Veng submitted an RTI application dt. 15.09.2021 to the SPIO, Higher & Technical Education Department seeking information on the following 4 (four) points: -

- i) What is the proposal submitted by the Higher & Technical Education Department, Govt.of Mizoram for consideration of the Council of Ministers in its Meeting held on 30/9/2019 regarding re-consideration of recruitment of 72 posts of Asst. Professor under Rashtriya Uchchar Shiksha Abhiyan (RUSA)
- ii) Copy of the Memorandum submitted by the Higher & Technical Education Department, Govt.of Mizoram for consideration of the Council of Ministers in its Meeting held on 30/9/2019 regarding proposal for re-consideration of recruitment of 72 posts of Asst. Professor under Rashtriya Uchchar Shiksha Abhiyan (RUSA)
- iii) Whether the Representations dt.16/8/2021 submitted by 62 Asst. Professors recruited under Rashtriya Uchchar Shiksha Abhiyan (RUSA) requesting for absorption has been considered by the Department
- iv) If the aforesaid Representations dt. 16/8/2021 have not been considered till date, the reason for their non-consideration

2. In reply, Pu Lalnunvula, SPIO & Under Secretary, H&TE Department informed vide letter No. F.23015/1/2019 – HTE(RTI) dt. 21.09.2021 that the information sought for under point (i) and (ii) cannot be provided that it is lying under Section 8 (1)(i) of the RTI Act, 2005. Not being satisfied with the reply of the SPIO, the Appellant preferred First Appeal to the Departmental Appellate Authority (DAA), H&TE on 29.09.2021. Hearing was held in the office chamber of Pu Lalrinsanga, DAA, H&TE Department on 18.11.2021 wherein both the Appellant and Respondent were present.

However, the information sought by the Appellant in his RTI application dt. 15.09.2021 under point (i) and (ii) was further denied by the DAA and his decision is as follows: -

*“...the information furnished by the SPIO by invoking the Section 8 (1) (i) of the RTI Act, 2005 did not contain any justification, the SPIO is directed to provide justification for invoking of the exemption provided under Section 8 (1) (i) of the RTI Act, 2005 to the Appellant within 5 days from date of issue of this decision & Order positively free of cost.”*

As per the above mentioned decision, the SPIO furnished detail/additional information to the Appellant on 25.11.2021.

3. Feeling aggrieved, the Appellant submitted Second Appeal dt. 02.12.2021 to the Chief Information Commissioner and summon to appear before the CIC on 17.12.2021 (Friday) at 12:00 Noon was issued to both the Appellant and the Respondent vide memo no. S.A. 83/2021-MIC dt. 08.12.2021.

As scheduled, hearing was held in the office chamber of the CIC wherein Mr. Lalnunmawia Chuaungo, Chief Information Commissioner and Dr. C. Lalzirliana, Information Commissioner were present. Both the appellant Mr. C. Tlanthianghlina and respondent Mr. Lalnunvula, SPIO & Under Secretary, Higher & Technical Education Department were also present. In the hearing, the appellant informed the Commission that what he wanted were just copies of the proposal and memorandum submitted by H&TE Department, Government of Mizoram for consideration of the Council of Ministers in its meeting held on 30.09.2019 regarding re-consideration of recruitment of 72 posts of Assistant Professor under RUSA and not action taken by the H&TE Department in pursuance of the decision of Council of Ministers. He also read out the decision of the Central Information Commission in the case of Mr. Venkatesh Naya Vs. Mr. A. Anandraju, PIO & OSD(ER), Department of Atomic Energy.

4. The respondent, Mr. Lalnunvula argued that as per their department's interpretation, the information sought by Mr. C. Tlanthianghlina comes under Section 8(1)(i) of the RTI Act, 2005 as the matter is not complete or over since the case is still required to be examined by 2 (two) other departments viz Finance Department & DP&AR, Government of Mizoram. He also submitted to the Commission copies of the following: -

- i) Minutes of the meeting of the Council of Ministers held in the Cabinet room, Chief Minister's office on 30.09.2019 at 10:00 A.M. and
- ii) Proposal and memorandum for re-consideration of recruitment of 72 posts of Assistant Professor under Rashtriya Uchchar Shiksha Abhiyan.

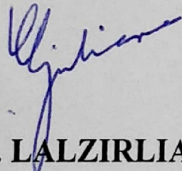
5. After hearing both the parties, the Commission observed that: -

- i) Information sought by the appellant does not come under Section 8(1)(i) of the RTI Act, 2005 as it is clearly mentioned in the aforementioned section that *“...the decisions of the Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete or over”*.

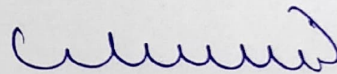
In this regard, the Commission is of the view that since the Cabinet meeting held on 30.09.2019 at 10:00 A.M. had approved the proposal for re-consideration of recruitment of 72 posts of Assistant Professor under RUSA as mentioned at Sl. No. 20 of the meeting minutes issued vide Memo No. J.11011/1/2019-POL/Vol-IV dt. 03.10.2019, the matter is to be made public as decision had already been taken and the decision taken by the Council of Ministers is complete or over. Therefore, the statement made by the SPIO & DAA, H&TE Department that *“the matter cannot be construed as complete or over as the Department is pursuing the matter with DP&AR and Finance Department since the Department of Higher & Technical Education is not the final authority on the issue”* is hereby set aside by the Commission as non completion of implementation of the decision of the Council of Ministers is not a valid ground to deny information under Section 8(1)(i) of the RTI Act, 2005.

In view of the above, **Mr. Lalnunvula, SPIO & Under Secretary, H&TE Department is instructed to furnish the requested information, free of cost, to Mr. C. Tlanthianghlina within 10 (ten) days from the date of issue of this order.**

The matter is disposed of accordingly. Copy of the decision to be given free of cost to the parties.



**(Dr. C. LALZIRLIANA)**  
Information Commissioner  
Mizoram Information Commission



**(LALNUNMAWIA CHUAUNGO)**  
Chief Information Commissioner  
Mizoram Information Commission

