

No. S.A. 97/2023 – MIC
MIZORAM INFORMATION COMMISSION
MIZORAM NEW CAPITAL COMPLEX
KHATLA, AIZAWL

Pu Moses Lalvenhima, : *Appellant*
College Veng, Lawngtlai,
Ph: 9612800331.

Pi Vanbawithasung Chinzah, : *Respondent*
State Public Information Officer (SPIO)
&
Assistant Education Officer,
Elementary Education Department (Middle),
Lai Autonomous District Council.

ORDER
(02.02.2023)

1. Pu Moses Lalvenhima submitted an RTI application to the SPIO, Elementary Education Department (Middle), LADC seeking information on 4 (four) points on 21.09.2022: -
 - i) Dt. 9th – 10th June 2022 a LADC Education & Human Resources Department (M/S) in Middle School Hindi Teacher lakna atana exam a huaihawt written result Dt. 1st August 2022 a tihchhuahah, kei Moses Lalvenhima Roll No. 200 hian 'On the basis of merit' angin ka aia position khata sang zawk written exam bikah ka phak lohna mark eng zat nge?
 - ii) Dt. 9th – 10th June 2022 a LADC Education & Human Resources Department (M/S) in Middle School Hindi Teacher lakna atana exam a huaihawt written result Dt. 1st August 2022 a tihchhuahah, kei Moses Lalvenhima Roll No. 200 hian 'On the basis of merit' angin ka aia position khata hniam zawk written exam bikah ka khumna mark eng zat nge?
 - iii) Dt. 8th August 2022 a LADC Education & Human Resources Department (M/S) in Middle School Hindi Teacher lakna atana written exam a tling mi 5 te interview a huaihawtah, kei Moses Lalvenhima Roll No. 200 hian 'On the basis of merit' angin, ka aia position khata sang zawk interview bikah ka phak lohna mark engzatnge?
 - iv) Dt. 8th August 2022 a LADC Education & Human Resources Department (M/S) in Middle School Hindi Teacher lakna atana written exam a tling mi 5 te interview a huaihawtah, kei Moses Lalvenhima Roll No. 200 hian 'On the basis of merit' angin, ka aia position khata hniam zawk interview bikah ka khumna mark engzatnge?
2. In reply, Pi Vanbawithasung Chinzah, SPIO & Elementary Education Department (Middle), LADC informed him that "...RTI Act hmanga i zawhna hmasa ah khan 3rd party an consent dil an ni a, an remtih loh avangin an mark hmuh zat hrilh theih i ni lova...Dt. 19.9.2022 a i zawhna kan chhanna che ah i mark hmuh zat tarlan a ni tawh a, tun tuma i zawhna ho hi 3rd party kaihhnawih a nih avangin i zawhna hi chhan theih a ni lo tih min lo hriat sak dawh nia". Feeling aggrieved, he preferred First Appeal to the DAA, Elementary Education Department (Middle), LADC on 24.10.2022 but no reply was given to him.
3. In this regard, the appellant submitted Second Appeal on 16.12.2022 to this Commission with a request to help him get his requested information. Summon was issued to both the appellant and the respondent to appear before the Mizoram Information Commission on **30.01.2023 at 11:00 AM**. As scheduled, hearing was held in the office chamber of the CIC wherein Pu Lalnunmawia Chuaungo, Chief Information Commissioner and Pu Zoramawia, Information Commission was present. Both the appellant and the respondent were also present.

4. In the hearing, the appellant informed the Commission that since he was denied information by the respondent on the ground that the information sought pertains to third party who disagreed to give their consent to disclose the marks obtained by them, he preferred First Appeal on 24.10.2022 to Pu F. Lalhmachhuana, DAA & Elementary Education Officer M/S only for point no. 2 of his RTI application dt.21.09.2022. However, the DAA remained silent and furnished him information only on 25.01.2023 .
5. The respondent informed the Commission that as per their department's interpretation, the information sought pertains to third party and since the third party involved were unwilling to disclose the information, she had to deny the requested information as per Section 11 of the RTI Act, 2005.
6. After hearing both the parties, the Commission observed the following: -
 - i) The office of Education and Human Resources Department M/S, Lai Autonomous District Council (LADC) should have placed the information in public domain soon after publishing the results such as the total marks obtained in the written and the interview by all the candidates to make their functioning transparent, and also to reduce the need for filing individual RTI applications as the recruitment has been carried out in public interest and since the expenditure incurred towards the service of the newly recruited teachers are to be met from public fund.
 - ii) Since the main objective of the RTI Act, 2005 is to empower the citizens, promote transparency and accountability in the working of Public Authorities, contain corruption and make our democracy work for the people in real sense, the authorities in LADC are also expected to select the most suitable candidate in the exams conducted by them so that the principles of natural justice are given due importance.
 - iii) The First Appeal dt. 24.10.2022 submitted to Pu F. Lalhmachhuana, DAA, Education & Human Resources Department M/S was left unattended for almost 3 (three) months. This is in violation of Section 19(6) of the RTI Act, 2005. As per the Act, the DAA should have conducted hearing and see to it that justice is not only done but should also appear to have been done. In order to do so, the order passed should be a speaking order giving justification of the decision arrived at. He may be informed that RTI appeals are to be treated on top priority and should never be left unattended.
7. In view of the above, **the Commission hereby directs that Pi Vanbawithasung Chinzah, SPIO & Assistant Education Officer, Elementary Education Department (Middle), LADC shall provide information for point No. 1, 3 & 4 of the RTI application dt. 21.09.2022 of Pu Moses Lalvenhima, free of cost, to the appellant not later than 17.02.2023 (Friday) with a copy to Mizoram Information Commission.**
8. Pu F. Lalhmachhuana, DAA is hereby directed that he should take due care in future to ensure compliance of the relevant provisions of RTI Act, 2005 and the Rules there under.

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

Sd/-
(ZORAMMAWIA)
Information Commissioner
Mizoram Information Commission

Sd/-
(LALNUNMAWIA CHUAUNGO)
Chief Information Commissioner
Mizoram Information Commission