

No. C. 19/08-MSIC
MIZORAM STATE INFORMATION COMMISSION
KHATLA : AIZAWL

R.C. Lalmuana,
Khatla, Aizawl.

...

Complainant

Vrs

SPIO, Mizoram Board of School Education,
Aizawl.

Respondent

ORDER
(17.2.2009)

A complaint has been submitted by R.C. Lalmuana, Khatla, Aizawl, against the SPIO of Mizoram Board of School Education (MBSE) for not giving the information requested for. A complaint case has been registered under No. C. 19/08-MSIC.

The short facts of the case are that the complainant requested the SPIO of MBSE to give answer papers of HSLC Examination, 2008, in respect of Alex Lalruatdika, Roll 9699. However, as the required information was not given by the SPIO, the complainant submitted an appeal to the Departmental Appellate Authority who also upheld the stand taken by the SPIO in not giving the required information. Dissatisfied with the order of the Departmental Appellate Authority, the complainant lodged a complaint with the State Information Commission for getting the information requested for.

The SPIO was noticed to appear before the Commission on 6.2.2009 with all relevant records in original. The SPIO appeared in person. The SPIO informed the Commission that the answer papers applied for have been disposed of as per Rule 41 of MBSE Bye-laws. However, since the SPIO could not testify the actual physical position presently, he was directed to submit the factual position supporting his statement on 13.2.2009.

The SPIO appeared on 13.2.2009. He has submitted original copies of Examination Bye-laws and the relevant file No. EX(G)39-EXAMINATION. We have perused the relevant portions of the Bye-laws as well as the file. Rule 41 of the Bye-laws provides that –

“The answer book shall be maintained for a period of 3 months and, thereafter, shall be disposed of in the manner as decided by the Chairman from time to time.”

Following this provision and exercising powers conferred by the provision, the relevant used answer scripts were proposed on 7.8.2008 for disposal by the office; the proposal was approved by the Chairman on 7.8.2008 itself. Action taken on the approved disposal was reported on 8.8.2008. The fact, therefore, is that the answer scripts applied for have been disposed of and is no longer with MBSE. In the result, the required information, being not available with MBSE, cannot be provided to the complainant.

In view of the foregoing position of facts, the complaint stands disposed of.


(K.TLANTHANGA)
Information Commissioner




(ROBERT HRANGDAWLA)
Chief Information Commissioner