

NO.S.A.62/2017-MIC
MIZORAM INFORMATION COMMISSION
MIZORAM: AIZAWL

Mr. C. Laltlanmawia
H/No.B-10/3 : *Appellant*
Near Health Sub-Centre
Aizawl Venglai

State Public Information Officer
Directorate of School Education
Aizawl, Mizoram : *Respondents*
&
Departmental Appellate Authority
Directorate of School Education
Aizawl, Mizoram.

RULING
(21.07.2017)

The Mizoram Information Commission (MIC) received Second Appeal dated 23.06.2017 from Mr. C. Laltlanmawia, Aizawl Venglai, Aizawl, Mizoram against the State Public Information Officer (SPIO) and Departmental Appellate Authority (DAA), Directorate of School Education, Aizawl, Mizoram.

2. The Appellant had sought information under RTI Act, 2005 from the SPIO, Directorate of Higher & Technical Education on 24.04.2017 on 4 (four) points regarding recommendations given for admissions in Higher Secondary Schools and Colleges in Mizoram. The SPIO, Directorate of Higher & Technical Education transferred the application to the SPIO of Directorate of School Education on 27.04.2017 as the subject matter relating to point No.1 and No.2 are more closely connected with the functions of the School Education Department, Mizoram.

3. The information sought by the Applicant at point No.1 and No.2 are :-

(1) "Mizoram-a Higher Secondary School-ahte hian admission tihna atan thuneitu sang (Ministry) te recommend hman thin a ni em?"

(a) Ni ta se, engtik hun lai atanga hman tan nge a nih?

(b) Tu (eng thuneihna nei chin)in nge hmang thin?

(2) Hetiang a recommend-na hi lo awm thin ta se, khawi Higher Secondary School ahte nge hman thin a nih?

(a) Engzat nge Recommend awm tawh? A School wise in.

(b) Recommend-na hi lo awm thin ta se, a awm tamna deuh deuh choh pathum (3) a, tun atanga chhiar let a session hnih liam ta hun chhunga recommend na lehkha zawng zawng photo copy ka duh e".



4. The reply of the SPIO, Directorate of School Education, Mizoram is :-

"Head of Institution te'n seat an neih dan a zirin admission hi mahni Institution/School theuhah an kalpui a, thuneitu sangte recommend-na, admission atan hman a nih thu School Education Directorate Office atangin hriat a ni lo".

5. Being aggrieved and not satisfied with the reply of the SPIO, Directorate of School Education, the Appellant submitted First Appeal to the Departmental Appellate Authority (DAA), Directorate of School Education, Mizoram. As he did not receive any reply from the Departmental Appellate Authority (DAA) within the time frame under the RTI Act, 2005, he preferred his Second Appeal to Mizoram Information Commission with a request to help him in getting his requested information.

6. The Mizoram Information Commission examined the submission of the Appellant and the reply of the SPIO with the relevant Section of the RTI Act, 2005 and the Mizoram RTI Rules, 2010. Para 2 of the Office Memorandum No.1/18/2011-IR dt.16th September, 2011 issued by the Government of India, Ministry of Personnel, Public Grievances & pensions, Department of Personnel & Training also states –

"...where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an Applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an Applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an Applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in Section 2(f) of the Act, only refers to such material available in the records of the public authority...".

7. On careful consideration, the Commission has come to the conclusion that it is clear from the reply of the SPIO at Question 1 rules out the follow up questions and, therefore, there is no need to reply to the additional queries that are dependent on the first. It is obvious that if they are ruled out, there is no record of such matter with the Public Authority concerned and the Commission therefore rules that there is no basis to the Second Appeal of Pu C. Laltlanmawia, Aizawl, Mizoram.

The Appeal is disposed of accordingly.



(LALDUHTILANA RALTE)
Chief Information Commissioner
Mizoram Information Commission