

**NAGALAND INFORMATION COMMISSION**

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No.NIC/Appeal-14/2017-18

Dated Kohima, the 8<sup>th</sup> March, 2018.

Appellant : Ms. Renbeni Ezung,  
C/o Hayibemo Ezung,  
Kenezou Colony,  
Kohima, Nagaland,  
Mobile No. 8259001340/9612562606,  
email: ezunghayi07@gmail.com/ ezungrenbeni2@gmail.com

Respondent(s) : (i) Shri. Limawabang Aier,  
State Mission Director & First Appellate Authority,  
Rashtriya Madhyamik Shiksha Abhiyan(RMSA),  
Nagaland, Kohima.

(ii) Shri. Wopenthung Lotha,  
Deputy Mission Director & PIO,  
Rashtriya Madhyamik Shiksha Abhiyan(RMSA),  
Nagaland, Kohima.

Public Authority : Rashtriya Madhyamik Shiksha Abhiyan(RMSA),  
Nagaland, Kohima.

Date of Hearing : 06.03.2018 at 12:00 P.M

Date of Decision : 08.03.2018.

Present:

1. Shri. Limawabang Aier, State Mission Director & FAA, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima, Mobile No. 9436000909.
2. Shri. Wopenthung Lotha, Deputy Mission Director & PIO, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima, Mobile No. 8415086498.
3. Shri. Pakhachu Pfithu, State Co-ordinator, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima, Mobile No. 9612450337.

The applicant (now appellant), Ms. Renbeni Ezung, c/o Hayibemo Ezung, Kenezou colony, Kohima, Nagaland, Mobile No. 8259001340/9612562606, email: ezunghayi07@gmail.com/ ezungrenbeni2@gmail.com did not appear for the hearing.

**FACT OF THE CASE**

An applicant, Ms. Renbeni Ezung had submitted an RTI application dated 19.04.2017 addressed to the PIO, Rashtriya Madhyamik Shiksha Abhiyan (RMSA), Nagaland, Kohima along with the prescribed application fee of Rs. 10/- in cash seeking the following information in regard to appointment of waiting list candidates for MIL (Lotha) for Secondary Teachers in the RMSA upgraded High School in Nagaland:-

- i. *For selecting wait list No.2 instead of wait list No. 1.*
- ii. *The file noting on the above.*
- iii. *Photo copy of the offering letter issued to the wait list candidate.*
- iv. *A copy of the acceptance letter of wait list No. 2 S. Mhabeni.*

On receipt of the RTI application dated 19.04.2017 on the same day, Shri. Wobenthung Lotha, PIO, RMSA, Kohima, Nagaland had, vide letter No. NLD/RMSA/RTI/2015-16/62 dated **01.05.2017** furnished the information to the applicant.

However, on receipt of the information furnished by the PIO, the applicant had submitted a first appeal dated 25.05.2017 addressed to the Mission Director & First Appellate Authority, RMSA, Nagaland, Kohima stating that the information provided was **unconscionable, incomplete and malafide**. The first appeal dated 25.05.2017 was received by the public authority on the same day i.e. 25.05.2017 as evidenced on the receipt, however, on not getting any response from the First Appellate Authority to her first appeal dated 25.05.2017, the applicant (now appellant), had preferred a second appeal dated 13.07.2017 before this Commission.

On receipt of the second appeal dated 13.07.2017, since the First Appeal was not heard, the Commission had, vide letter of even No. dated 25.08.2017 directed the First Appellate Authority to take up the first appeal by hearing the parties i.e, the applicant and the PIO concerned and pass decision within 1 (one) month from the date of receipt of the directive and submit a copy of the decision to this Commission.

And in compliance to the directive of the Commission of even No. dated 25.08.2017, the State Mission Director & FAA, RMSA, Nagaland, Kohima had, vide letter No. NLD/RMSA/RTI/2015-16/153 dated 16.09.2017 submitted to the Commission that a Notice vide No. NLD/RMSA/RTI/2015-16 dated 07.06.2017 was issued for hearing of the first appeal on 15.06.2017 at 1:00 P.M followed by voice calls, SMS and intimation through email, however, there was no response from the applicant and she had failed to appear for the hearing.

However, since the applicant (now appellant) had not responded to the above Notice for Hearing, the Commission had, vide directive of even No. dated 10.10.2017 directed the State Mission Director & FAA to fix a new date and time for hearing the appeal and publish it in the Local Dailies/Newspapers summoning the applicant (now appellant) to appear for the hearing on the appointed date and time positively, and with a copy of the Notice for hearing and the Newspaper clippings submitted to the Commission.

And in compliance to the directive of the Commission of even No. dated 10.10.2017, the State Mission Director & FAA, RMSA had, vide No. NLD/RMSA/RTI/2015-16/173 dated 25.10.2017 submitted to the Commission, a copy of the Notice issued vide No. NLD/RMSA/IEDAA/NOTICE/47/2015-16 dated 16.10.2017 for hearing on 13.11.2017 at 1:00 P.M in the State Mission Office, RMSA, Nagaland, Kohima and a copy of the Newspaper clipping summoning the applicant (now appellant) to appear for the hearing.

Though above compliance to the directive of the Commission was received, since there was no decision of the State Mission Director & FAA, the Commission had, vide even No. dated 14.12.2017 directed the State Mission Director & FAA to submit the above mentioned decision to the Commission on or before 20.01.2018.

However, in reply to the directive of the Commission dated 14.12.2018, the State Mission Director & FAA had, vide letter No. NLD/RMSA/RTI/2015-16/199 dated 19.12.2017 submitted to the Commission that since the appeal case was **resolved amicably** with the applicant (now appellant) in the presence of her three (3) guardians on 13.11.2017 at 1:00 P.M in his office chamber, he had requested to consider the matter as **expedited**.

The Commission has decided to hear the appeal case again, giving opportunity of being heard to both the parties, on **6<sup>th</sup> March, 2018 (Tuesday) at 12:00 P.M** in the Hearing Room of the Commission and **also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing.

### **OBSERVATIONS AND FINDINGS**

The applicant (now appellant) did not appear for the hearing and the Commission did not receive any reason or prior intimation regarding her absence.

During the hearing, Shri. Limawabang Aier, State Mission Director & FAA, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima stated that as per the directive of the Commission, the first appeal was heard on 13.11.2017 at 1:00 P.M and had **resolved the appeal**

**case amicably** with the applicant (now appellant) in the presence of her three (3) guardians, and hence he had requested to consider the matter as **expedited**.

The Commission questioned the FAA how the appeal case was **resolved amicably** and considered as expedited since there was no written statement or proceedings or decision of the FAA nor any confirmation of satisfaction from the applicant (now appellant). The Commission further insisted that there should be some documentary evidences to prove that the hearing was held and that the applicant (now appellant) was also satisfied with the settlement.

Further, the Commission pointed out that Waiting List are also prepared on merit basis and that any offer for the post should have been informed to the candidates through writing and not by SMS or phone call. Moreover, if a candidate in the Waiting List declines the offer, the same post should be offered by writing to the next candidate in the Waiting List.

The Commission also observed that there was no delay in replying to the applicant, hence penalty was not attracted.

### **DECISION**

On the above observations and findings, since Shri. Limawabang Aier, State Mission Director & FAA, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima had submitted that the appeal case was **resolved amicably** with the applicant (now appellant) in the presence of her three (3) guardians during the hearing of the first appeal on 13.11.2017 at 1:00 P.M, the Commission decided that the State Mission Director & FAA shall submit the documents in support of the case which was resolved amicably within **fifteen (15) days** i.e. on or before **21.03.2018** and submit a copy to the Commission.

Decision pronounced in presence of only the respondents on 06.03.2018.

Copy be given to:-

1. Shri. Limawabang Aier, State Mission Director & FAA, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima, Mobile No. 9436000909.
2. Shri. Wopenthung Lotha, Deputy Mission Director & PIO, Rashtriya Madhyamik Shiksha Abhiyan(RMSA), Nagaland, Kohima, Mobile No. 8415086498.
3. The applicant (now appellant), Ms. Renbeni Ezung, c/o Hayibemo Ezung, Kenezou colony, Kohima, Nagaland, Mobile No. 8259001340/9612562606, email: ezunghayi07@gmail.com/ ezungrenbeni2@gmail.com.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

**CHANBEMO LOTH**  
Chief Information Commissioner

Sd/-

**G. H. RAMLIA**  
State Information Commissioner

Sd/-

**KEVIZATUO MIACHIEO**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary