

**NAGALAND INFORMATION COMMISSION**

**Below Raj Bhavan, Officers' Hill Colony**

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No.NIC/Appeal-4/2017-18

Dated Kohima, the 12<sup>th</sup> July, 2018.

Appellant : Shri. Murari Lal Gupta,  
S/o Shri. Kishan Tola,  
H. No. 2214, Sector-13,  
HUDA,  
Bhiwani,  
Mobile No. 9355744006.

Respondent(s) : (i) Director-cum-Registrar & First Appellate Authority,  
The Global Open University Nagaland,  
Sodzulhou Village, P.O – ARTC, NH-39,  
Dimapur, Nagaland – 797115.

(ii) The AAO & PIO,  
The Global Open University Nagaland,  
Sodzulhou Village, P.O – ARTC, NH-39,  
Dimapur, Nagaland – 797115.

Public Authority : The Global Open University Nagaland,  
Sodzulhou Village, P.O – ARTC, NH-39,  
Dimapur, Nagaland – 797115.

Date of Hearing : 04.07.2018 at 12:00 P.M  
Date of Decision : 12.07.2018.

Present:

1. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461/ 7005650998.
2. Shri. Sushil Singh, Controller of Examination, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 7005855875.

The following did not appear for the hearing:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. The applicant (now appellant), Shri. Murari Lal Gupta, S/o Shri. Kishan Tola, H.No. 2214, Sector-13, HUDA, Bhiwani, Mobile No. 9355744006.

**FACT OF THE CASE**

An applicant, Shri. Murari Lal Gupta had submitted an RTI application dated **06.10.2016** addressed to the PIO & Asstt. Admin. Officer-I, TGOUN alongwith the prescribed application fee of Rs. 10/- paid through IPO No. 2F 552621, seeking the following information regarding M. Phil Chemistry criteria and details of candidate Diwan Singh bearing Roll No. M/PHIL/5659/CHE/2008D:

- a) Type of course approved for University and conducted by University of course of M.Phil in Chemistry is regular or by distance from year 2008 till present year.
- b) Copy of approval received by the University from UGC and all competent bodies in relation to M.Phil Chemistry course being conducted by University from year 2008 till date.
- c) Record of examination date sheet of M.Phil Chemistry Examination conducted by University in December 2009.

- d) Record of details of all examination centres on which M.Phil Chemistry Examination was conducted by University in December 2009.
- e) Record of name examination superintendents who were posted in centres mentioned in information (d) above.
- f) Record of registration details of Sh. Diwan Singh who has been given certificate no. 0126122 dated 10.03.2010 for passing M.Phil Examination in Chemistry from University under roll no. M.Phil/5659/CHE/2008D.
- g) Attested copy of name of Guide and his posting details under whom Diwan Singh did his M.Phil Thesis.
- h) Attested copy of Thesis submitted by Diwan Singh to University.
- i) Record of dates on which practical examinations for M.Phil Thesis were attended by candidate Diwan Singh subject wise, place of examination and timing of examinations.
- j) Name of the person who did the evaluation of Thesis submitted by Candidate Diwan Singh.
- k) Details of evaluation under which 180 marks have been given for M.Phil Thesis to Diwan Singh.
- l) Criteria fixed by the University or UGC for giving marks for evaluation of Thesis.
- m) Attested copy of examination answer sheets of written by Sh. Diwan Singh for examination of subjects (i) Research Methodology (ii) Computer Programming (iii) Advanced Spectroscopy for which he appeared in Dec. 2009 examination held by University.

The RTI application was sent through Registered post bearing No. A RH231020779IN on 07.10.2016 as evidenced on the body of the RTI application. However, on not getting any response to his RTI application dated 06.10.2016, the applicant preferred a **first appeal dated 28.11.2016** before the First Appellate Authority, The Global Open University Nagaland.

In response to the first appeal dated 28.11.2016, the Director/Registrar & First Appellate Authority, The Global Open University Nagaland had, vide letter No. GOUN/2-14/16/A/385 dated **12.12.2016** furnished the information regarding **query Nos. (a), (b), (d) and (f)** to the applicant. However, in respect of the remaining queries, the Director/Registrar & First Appellate Authority had, vide No. GOUN/2-14/16/A/386 dated 12.12.2016 informed the applicant that the application was forwarded to the Controller of Examination, TGOUN to furnish the remaining information.

And on not getting any response from the Controller of Examination and the Director/Registrar & FAA, TGOUN, the applicant (now appellant) had preferred a **second appeal dated 31.01.2017** before this Commission. However, since the first appeal was not heard, the Commission had, vide letter of even No. dated 28.08.2017 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 Commission directive and submit a copy of the decision to this Commission.

Since there was no compliance from the FAA, the Commission had, vide letter of even No. dated 15.12.2017 directed the Director/ Registrar & FAA, TGOUN, to appear before the Commission for a meeting on 07.02.2018 at 11:00 AM and explain the failure to comply with the Commission's directive dated 28.08.2017.

The Commission had received decision dated 27.11.2017 of the FAA vide letter No. GOUN.2-14/16/B Vol I/567 dated 04.12.2017 stating that reply to query Nos. *a, b, d & f* had already been furnished earlier vide letter No. GOUN/2-14/16/385 dated 12.12.2016, however, since the remaining query Nos. *c, e, g, h, l, j, k, l and m* were not furnished, the PIO was directed to furnish to the applicant in consultation with the concerned authorities as the above information were not available with the University.

And in compliance to the above directive of the Director/Registrar & FAA, TGOUN, Shri. Keluozie Kesiezie, PIO, TGOUN had, vide letter No. GOUN/2-14/16/B Vol I/568 dated 18.12.2017 replied to query Nos. *c, e, g, h, l, j, k, l and m* to the applicant and with a copy to the Commission.

The Commission had, vide its directive of even No. dated 23.03.2018 directed the Director/Registrar & FAA, TGOUN to submit an explanation for the delay in complying to the directive of the Commission dated 28.08.2017 to hear the first appeal and also for failing to appear before the Commission in the meeting held on 07.02.2018 at 11:30 A.M. without any prior intimation and reason, within 1(One) month from the date of receipt of the Commission's directive.

Though sufficient time had lapsed, since the Commission had not received any compliance till date, the Commission has decided to hear the appeal giving opportunity of being heard to all the parties on **4<sup>th</sup> July, 2018 (Wednesday) at 12:00 Noon in the hearing Room of Nagaland Information Commission, below Raj Bhavan, Officers' Hill Colony, Nagaland, Kohima and directed also to bring the files and relevant documents** in question for scrutiny, on the above date and time for hearing:-

- i. The Director/Registrar & FAA, TGOUN, Dimapur, Nagaland.
- ii. Shri. Keluozie Kesezie, AAO & PIO, TGOUN, Dimapur, Nagaland.
- iii. The applicant (now appellant), Shri. Murari Lal Gupta.

### **OBSERVATIONS AND FINDINGS**

The applicant (now appellant), Shri. Murari Lal Gupta and Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority did not appear for the hearing. The hearing was conducted only in the presence of Shri. Keluozie Kesezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland and Shri. Sushil Singh, Controller of Examination, The Global Open University Nagaland.

During the hearing, Shri. Keluozie Kesezie, Assistant Administrative Officer & PIO had produced a letter No. GOUN/2-14/16/B Vol II/274 dated 03.07.2018 written by Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority regarding his inability to attend the hearing, however, the Commission did not accept his request since it was informed only on the date of the hearing. It was also informed that Shri. Sushil Singh who recently joined The Global Open University Nagaland as the Controller of Examination would be the new FAA.

Shri. Keluozie Kesezie, Assistant Administrative Officer & PIO stated that on the directive of the Commission, the first appeal was heard and decision passed, however, the decision could not be submitted to the Commission on time. Further, he stated that the explanation of Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority for his failure to attend the meeting on 07.02.2018 was also submitted earlier vide letter No. GOUN/2-14/16/B VOL I/47 dated **08.03.2018**. However, the Commission did not receive it and a copy of the explanation was produced before the Commission during the hearing.

The Commission observed that most of the correspondences such as letters and compliance reports sent by The Global Open University Nagaland to the Commission were never received on time but are received only at the time of hearing. Also, on inquiry by the Commission as to why four (4) queries were furnished whereas the remaining nine (9) queries were transferred to the Controller of Examination, the PIO stated that the information pertaining to those queries were available with the Controller of Examination, TGOUN in Delhi at that point of time. The Commission questioned as to why the Controller of Examination operate in Delhi while The Global Open University Nagaland is located in Dimapur. The Commission further observed that though the information to all the 13 queries were furnished, it is not known whether the applicant (now appellant) was satisfied, since there was no response from him.

The PIO submitted that the RTI application dated 06.10.2016 was received on **25.10.2016** and the reply was given on **12.12.2016** only after the first appeal dated 28.11.2016 was received. The Commission observed that upon receipt of the RTI application, since the reply was given after 48 days, and considering the 30 days time limit for the PIO to furnish the information, there was a delay of (48-30 days =) **18 days** in furnishing the information for which penalty was attracted.

Further, the Commission viewed seriously the failure of the Director cum Registrar & First Appellate Authority to appear for the hearings consecutively and also in not complying with the earlier directives of the Commission dated 15.12.2017 and 23.03.2018.

### **DECISION**

On the above observations and findings, the Commission decided that:-

1. Shri. Sushil Singh, Controller of Examination and Shri. Keluozie Kesezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland shall re-visit the matter and furnish again the complete and right information to the the applicant

(now appellant) and with a copy to this Commission, **within one (1) month** from the date of receipt of this Decision.

2. On receipt of the above information from the PIO, The Global Open University Nagaland, the applicant (now appellant) shall confirm satisfaction or non-satisfaction of the information to the PIO with a copy to this Commission **within 30 days** from the date of receipt of the information, failing which the information shall be deemed to be satisfied.

Decision pronounced in presence of only the respondents on 04.07.2018.

Copy be given to:-

1. Dr. Imotemsu Ao, Director-cum-Registrar & First Appellate Authority, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9436070457.
2. Shri. Sushil Singh, Controller of Examination, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 7005855875.
3. Shri. Keluozie Kesiezie, Assistant Administrative Officer & PIO, The Global Open University Nagaland, Sodzulhou Village, P.O – ARTC, NH-39, Dimapur, Nagaland – 797115, Mobile No. 9774418461/ 7005650998.
4. The applicant (now appellant), Shri. Murari Lal Gupta, S/o Shri. Kishan Tola, H.No. 2214, Sector-13, HUDA, Bhiwani, Mobile No. 9355744006.
5. The Computer Programmer, Nagaland Information Commission for uploading on the Commission's website and Notice Board.
6. Office Copy.

**Sd/-**  
**CHANBEMO LOTHIA**  
Chief Information Commissioner

**Sd/-**  
**G. H. RAMLIA**  
State Information Commissioner

Authenticated true copy:-

**(WORHONTHUNG EZUNG)**  
Secretary