

NAGALAND INFORMATION COMMISSION
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No. NIC/Appeal-17/2014-15

Dated Kohima, the 18th March, 2015.

Appellant: Shri. Vikheto Zhimomi,
P.R Hill Colony,
Kohima,
Mobile No. 9615115300, 9089896123.

Respondent(s): 1) The Director & First Appellate Authority,
Directorate of School Education,
Nagaland, Kohima.

2) The Additional Director & PIO,
Directorate of School Education,
Nagaland, Kohima

Public Authority: Directorate of School Education,
Nagaland, Kohima.

Date of hearing: 10th March, 2015 (Tuesday) at 11:00 AM
Date of Decision: 18.03.2015.

Present:

1. Shri. Zaveyi Nyekha, Director & First Appellate Authority, School Education, Nagaland, Kohima, Mobile No. 9774350287.
2. Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima, Mobile No. 9436000909.
3. Shri. Lumdemo Kikon, Dealing Assistant (RTI Cell), School Education, Nagaland, Kohima, Mobile No. 9856026275.
4. The applicant(now appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.

FACT OF THE CASE

An applicant, Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123, had submitted a RTI application dated 19.06.2014 addressed to the PIO, Directorate of School Education, Nagaland, Kohima alongwith the prescribed application fee of Rs. 10/- (Rupees ten only) in cash, requesting to furnish the following information:-

- i. *In terms of Section 3(1) and Section 3(2) of the Nagaland Retirement from Public Employment (Second Amendment) Act 2009, which came into effect from 31st Oct. 2009, how many employees were retired on completion of 60 (sixty) years of age or retired on completion of 35 (thirty five) years of length of service under the establishment of School Education till date? Kindly provide me the information in details with the retired employees' Name, designation, date of retirement and under which office/division/schools he/she was employed.*
- ii. *Kindly provide me the name, designation and place of posting of the appointed person(s) against the vacant post caused after 31st Oct. 2009 and indicate whether vacant post was caused due to retirement, death or voluntary retirement.*
- iii. *What should be the total strength of employees (both Teaching and non-teaching staffs) under GPS/GMS and please furnish me in details the existing strength of employees under GPS and GMS.*
- iv. *National Council for Teacher Education (NCTE) in exercise of the power conferred by Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 and in pursuance of Notification No. S.O.750(E) dated 31st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Govt. of India, the NCTE lays down certain minimum qualification for a person to be eligible for appointment as a teacher in*

schools referred to in Clause (n) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009 which effected from the date of this Notification i.e. New Delhi, the 23rd August, 2010.

In view of the above, when the Department of School Education, Nagaland has implemented the above Notification or going to implement? Kindly issue me a copy of the Department's Notification/order.

- v. *Kindly provide me a Xerox copy of all the post creation under your Department from 31st Oct. 2009 till date.*
- vi. *Kindly issue me a Seniority List (latest) of regular employees both Gazetted and Non-gazetted under your Department.*

The above RTI application dated 19.06.2014 was received by the public authority on 23.06.2014, as evidenced on the body of the RTI application.

On receipt of the above RTI application dated 19.06.2014 on **23.06.2014**, Shri. Limawabang Aier, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima had, vide letter No. ED/RTI-1/2013-14 dated **23.07.2014** furnished **partial information** in respect of Query Nos. 3, 4, 5 and 6 only, and sought additional time of **3 weeks** for the remaining queries. Soft copy on a CD pertaining to Query No. 3 was also provided to the applicant.

And on expiry of the additional time of 3 weeks, since the applicant did not get any information from the PIO, he preferred First Appeal dated 22.08.2014 addressed to the Appellate Authority, Directorate of School Education, Nagaland, Kohima in respect of Query Nos. 1 and 2 which **were not furnished** by the PIO and also for Query Nos. 3 and 6 which **were not satisfied**.

The first appeal dated 22.08.2014 was received by the public authority vide receipt No. 699 dated 22.08.2014 on the same day i.e. 22.08.2014, as evidenced on the body of the first appeal.

On receipt of the First Appeal dated 22.08.2014, Shri. Zaveyi Nyekha, Director & FAA, Directorate of School Education, Nagaland, Kohima had, vide letter No. ED/RTI-1/2013-14 dated 16.09.2014 issued notice for hearing of the First Appeal on **26.09.2014** at 11:00 AM in his office chamber.

And after the hearing held on **26.09.2014**, Shri. Zaveyi Nyekha, Director & FAA, Directorate of School Education, Nagaland, Kohima had, vide letter No. ED/RTI-A/2014-15 dated 09.12.2014 furnished the information on query Nos. 1 & 2 to the applicant(now appellant).

However, the applicant (now appellant) had, in his second appeal dated 21.01.2015 before this Commission submitted that the **FAA did not intimate him what decision was taken** during the hearing held on **26.09.2014**, and that the information furnished on query No. 1 & 2 were **irrelevant**. Also, the information furnished by the Additional Director & PIO, School Education, Nagaland, Kohima was **incomplete** since only query Nos. 3, 4, 5 and 6 were furnished.

The Commission has decided to hear the appeal, giving opportunity to the parties, on **10th March, 2015 (Tuesday) at 11:00 AM** in the **Hearing Room of the Nagaland Information Commission, Old Secretariat Complex, Kohima.**

OBSERVATIONS AND FINDINGS:

Since the applicant(now appellant) had submitted his second appeal dated 21.01.2015 before this Commission stating that the information furnished on query Nos. 1 & 2 were **irrelevant**, query Nos. 3 and 6 **were not satisfied** and also, that the **FAA did not intimate him what decision was taken** during the hearing held on **26.09.2014**, the Commission took up this appeal case only for query **Nos. 1, 2, 3 and 6.**

Regarding **Query No. 1**, the applicant (now appellant) submitted that the information furnished was **irrelevant** since instead of furnishing the number of employees who retired on completion of 60 (sixty) years of age or retired on completion of 35 (thirty five) years of length of service under the establishment of School Education till date, he was provided with only the **Release Orders** of the employees who retired from Government service.

Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima submitted that the office maintains records of the retirement of employees based on the **Release Orders** wherein the grounds and the effective date of retirement are mentioned. And since the Government had, vide O.M. No. DSE/APT/ZBTO-DIS/3-1/2011-12 dated 30.03.2013 centralised the issuing of Release Orders from March, 2013 onwards (copy of which was produced during the hearing), and that before 2013 Release Orders were issued by the respective DDOs, there are no records in the Directorate office for the period from 2009 to 2013 which the applicant had sought. However, the PIO submitted that he had written to all the DDOs to furnish the Release Orders for onward furnishing to the applicant(now appellant) and had sought additional time of 3 weeks to furnish the information. Further, the PIO submitted that there are 115 DDOs in the State under the School Education and since the DDOs could not submit the information on time, there was a delay in furnishing the information to the applicant (now appellant). However, on receipt of the Release Orders from all the DDOs, the PIO had produced before the Commission during the hearing and handed over to the applicant(now appellant).

The Commission agreed with the above submission of the PIO. However, the Commission recommends that the Department maintain the list and the number of retirees every year.

Regarding **Query No. 2**, the applicant (now appellant) submitted that the information furnished was **irrelevant** since he had received only the Government Orders for approval of appointments of Graduate Teachers instead of the name, designation and place of posting of the appointed person(s) against the vacant post caused after 31st Oct. 2009 and the vacancy caused due to retirement, death or voluntary retirement.

Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima submitted that he had furnished the Government Orders for approval of appointments since in such Government Orders for appointments, the details such as the names, designations and places of posting of the appointed person(s) against the vacant posts caused due to retirement, death or voluntary retirement etc. are mentioned.

The Commission agreed with the submission of the PIO and the applicant had also expressed satisfaction with the explanation and the information so furnished to him.

Regarding **Query No. 3**, the applicant (now appellant) submitted that the information furnished was **not satisfied** since instead of the total strength of employees (both Teaching and non-teaching staffs) under GPS/GMS and the details of the existing strength of employees under GPS and GMS, the PIO had furnished the list of existing strength of employees under GPS/GMS i.e. officers as of 2011 and Graduate Teachers as of 2012 on a CD, which happened to be the latest records available.

During the hearing, Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima submitted that there was no such Standard Staffing Pattern for teachers before December, 2014. However, since the Government/Department had only recently, vide Notification No. DSE/CAB/POLICY/2013 dated 02.12.2014 notified the Standard Staffing Pattern for teachers which is to be made effective from the academic session 2015, a copy of the above Notification was produced before the Commission and handed to the applicant (now appellant).

The Commission agreed with the submission of the PIO and the applicant had also expressed satisfaction with the explanation and the information so furnished to him.

Regarding **Query No. 6**, the applicant (now appellant) submitted that the information furnished was **not satisfied** since the PIO had furnished the latest compilation of Class I and Class II employees and not the Seniority List (latest) of regular employees for both Gazetted and Non-gazetted under the School Department.

Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima submitted that since the Seniority List for both the Gazetted and Non-gazetted posts for the year 2013-14 is under compilation, it could not be furnished. However, instead the prevailing latest Seniority List for the year 2012 was furnished.

The Commission observed that the PIO had furnished whatever available information to the applicant (now appellant) since at the time of filing the RTI application on 19.06.2014, the latest

Seniority List for both the Gazetted and Non-gazetted posts available with the public authority i.e. the School Education was for the year 2012.

Regarding **non-intimation of the decision of the FAA**, the applicant (now appellant) questioned as to why the Director & FAA, Directorate of School Education, Nagaland, Kohima did not hear his first appeal within the 30 days time limit and why a copy of the **decision** taken during the hearing held on **26.09.2014** was not given to him.

The Director & FAA, Directorate of School Education, Nagaland, Kohima submitted that due to huge volume of work involved and the various ongoing issues and agitations in the Department, it was overlooked and admitted that the decision on the first appeal could not be given to the applicant(now appellant). However, the Director & FAA, School Education, Nagaland, Kohima submitted that it was not intentional and had apologised not to repeat such mistake in future. A copy of his decision on the first appeal was handed over to the applicant during the hearing.

The Commission cautioned the Director & FAA, School Education, Nagaland, Kohima to take RTI matters seriously.

DECISION:

On the above observations and findings, since the Additional Director & PIO, School Education, Nagaland, Kohima had furnished the information whatever available with the public authority i.e. the School Education and that the applicant (now appellant) had also expressed satisfaction with the explanation of the PIO and the information so furnished to him, the Commission declares this appeal case as **closed**.

However, under Section 25(3)(g) of the RTI Act, 2005, the Commission recommends that the public authority i.e. the School Education maintain proper Seniority List and update at regular intervals.

Decision pronounced in presence of all parties present on 10.03.2015.

Copy be given to:-

1. Shri. Zaveyi Nyekha, Director & First Appellate Authority, School Education, Nagaland, Kohima, Mobile No. 9774350287.
2. Shri. Lima Aier, Additional Director & PIO, School Education, Nagaland, Kohima, Mobile No. 9436000909.
3. The applicant(now appellant), Shri. Vikheto Zhimomi, P.R Hill Colony, Kohima, Mobile No. 9615115300, 9089896123.
4. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
5. Office Copy.

Sd/-

KEVININO P. MERU
Chief Information Commissioner

Sd/-

BUKCHEM PHOM
State Information Commissioner

Authenticated true copy:-

(WORHONTHUNG EZUNG)
Under Secretary