

NAGALAND INFORMATION COMMISSION
Officers' Hill, below Raj Bhavan,
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No. NIC/Complaint-1/2016-17

Dated Kohima, the 22nd September, 2017.

Complainant : Shri. Kahuto N. Achumi,
Thilixu Village,
3rd Mile, Dimapur,
Nagaland,
Mobile No. 9402020278

Respondents : i) The Director & FAA,
Directorate of School Education, Nagaland, Kohima.

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

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

Date of first hearing : 14.06.2016 at 1:00 PM.
Date of first Decision : 30.06.2016.

Date of second hearing : 17.11.2016 at 11:00 AM.
Date of second Decision : 08.12.2016.

Date of third hearing : 14.09.2017 at 11:00 AM.
Date of third Decision : 22.09.2017.

Present:

- i) Shri. Wonthungo Tsopoe, Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 9436008991.
- ii) Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
- iii) Shri. Chonbenthung Jungio, Dealing Assistant, Directorate of School Education, Nagaland, Kohima, Mobile No. 9856843650.
- iv) Shri. Pfosekho Pfotte, Advocate, Kohima, the legal representative of the applicant (now complainant), Mobile No. 9774408129.

The following did not appear for the hearing:-

- i. The applicant (now complainant), Kahuto N. Achumi, Thilixu Village, 3rd Mile, Dimapur, Nagaland, Mobile No. 9402020278.
- ii. Shri. Limawabang Aier, former Addl. Director & PIO, Directorate of School Education, Nagaland, Kohima.
- iii. Shri. Limadangit Jamir, Assistant Director & APIO, Directorate of School Education, Nagaland, Kohima.

FACT OF THE CASE

The Commission had, after hearing the parties on 17.11.2016 at 11:00 AM. passed Decision dated 08.12.2016 wherein the FAA was directed to hear the case once again and to submit a copy of the decision of the FAA to the Commission within one (1) month from the date of issue of the decision of the Commission.

And in compliance, the Addl. Director (HOD) & FAA, Department of School Education, Nagaland, Kohima had, vide letter No. EDN/RTI-B/2014-15 dated 15.12.2016 submitted compliance to the decision of the Commission of even No. dated 08.12.2016 stating that during the hearing of the first appeal on 08.12.2016, the statement given by the applicant (now

complainant) did not match with the available documents pertaining to the case, and hence requested the Commission to close the case.

Meanwhile, the Old Secretariat Complex wherein many offices and establishments including the Nagaland Information Commission were located was completely destroyed by fire on 02.02.2017 during the public unrest in connection with the issue of the ULB (Urban Local Bodies) elections, and no items and properties such as office files, case files, documents, records, IT equipments and office furniture etc. could be retrieved. And with no office building, the Commission had to function from the out-house of the official quarter of the State Information Commissioner at Agri Farm Colony on a stop-gap arrangement basis till an alternative office accommodation was allotted.

On the request of the Commission, the public authority had submitted copies of all correspondences, documents and records relating to the case for reconstruction of the case file, and the process of which could be completed only after shifting of the office to a new location around the 1st week of August 2017.

With the reconstruction of the case file and shifting of the office into a new building, the Commission has decided to hear the case again giving opportunity of being heard to all the parties on **14th September (Thursday), 2017 at 11:00 AM** in the Hearing Room of the Nagaland Information Commission, Below Raj Bhawan, Officers' Hill Colony, Nagaland, Kohima.

OBSERVATIONS AND FINDINGS:

The applicant (now complainant), Kahuto N. Achumi, Thilixu Village, 3rd Mile, Dimapur, Nagaland, Mobile No. 9402020278 did not appear for the hearing. However, he was represented by his Legal representative, Shri Pfosekho Pfofte. Shri. Limawabang Aier, former Addl. Director & PIO, Directorate of School Education, Nagaland, Kohima also did not appear for the hearing.

During the hearing Shri. Wonhungo Tsopoe, Director [formerly the Addl. Director(HOD)] & First Appellate Authority submitted that in compliance to the decision of the Commission, a hearing was held on 08.12.2016 with the following parties:-

- i) Shri. Limawabang Aier, former Addl. Director & PIO, Directorate of School Education, Nagaland, Kohima.
- ii) Shri. Shri. Razouseyi Vese, Joint Director & PIO, Directorate of School Education, Nagaland, Kohima.
- iii) The legal representative of the applicant (now complainant), Shri. Pfosekho Pfofte, Advocate.
- iv) The applicant (now complainant), Shri. Kahuto N. Achumi.

The Director and First Appellate Authority submitted that all efforts were made to trace the related documents including Service Books pertaining to the complainant's name, *Botoli* have been collected from the concerned section in the Directorate and along with the papers submitted by the applicant (now complainant), the case was deliberated thoroughly in the presence of the applicant (now complainant) and his legal representative. However, the statement given by the applicant (now complainant) did not match with the corresponding documents and no documents relating to this particular case was available in the office. The Director and First Appellate Authority further stated that while searching the name, '*Botoli*' from their database and office records, several names by the similar name '*Botoli*' came up, however, none of them match with the particulars of the person which the applicant (now complainant) desired.

The legal representative of the applicant (now complainant), Shri. Pfosekho Pfofte, Advocate had also submitted that during the hearing on 08.12.2016, some documents were given, however, no matching records could be found and therefore no information had been furnished by the Public Authority as per the RTI application. He added that the incumbent, Ms. Botoli had worked in the school and the crux of the issue was that someone was appointed in her place, however, no proof of such documents could be produced.

The Commission observed that though both the applicant (now complainant) and his legal representative had attended the above hearing on 08.12.2016, there was no further appeal or complaint either by the applicant (now complainant) himself or by his legal representative till

date even after the hearing and decision of the First Appellate Authority. The Commission also observed that the public authority had inspite of its best efforts, the matching records could not be found.

DECISION:

On the above observations, the Commission decided that since inspite of all efforts the record in question could not be found, the public authority shall submit a **sworn affidavit, within two (2) weeks** from the date of receipt of this decision to this Commission and with a copy to the applicant (now complainant).

Since the Public Authority had exhausted all opportunities made available to the applicant (now complainant) and that the penalty which was also imposed to the PIO had been deposited, the Commission has no further option to hear the case again but to **dispose of** the appeal.

Decision pronounced in presence of the parties on 14.09.2017 at 11:00 AM.

Copy be given to:-

1. Shri. WonhongoTsopoe, Director & FAA, Directorate of School Education, Nagaland, Kohima, Mobile No. 9436008991.
2. Shri. Razouseyi Vese, Additional Director & PIO, Directorate of School Education, Nagaland, Kohima, Mobile No. 8974866909.
3. Shri. Pfosekho Pfotte, Advocate, Kohima, the legal representative of the applicant (now complainant), Mobile No. 9774408129.
4. The applicant (now complainant), Kahuto N. Achumi, Thilixu Village, 3rd Mile, Dimapur, Nagaland, Mobile No. 9402020278.
5. The Computer Programmer, Nagaland Information Commission for uploading on the website and Notice Board.
6. Office Copy.

Sd/-

TOSHI AIER, IAS (Retd.)
Chief Information Commissioner

Sd/-

CHANBEMO LOTHIA
State Information Commissioner

Sd/-

KEVIZATUO MIACHIEO
State Information Commissioner

Authenticated true copy:-

(WORHONHUNG EZUNG)
Secretary