

NAGALAND INFORMATION COMMISSION
NAGALAND COMMISSIONS' COMPLEX
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No. NIC/APPEAL-6/2023-24

Dated Kohima, the 12th July, 2023.

Subject: Rejection of Appeal and closing order thereof.

WHEREAS, the Nagaland Information Commission had, on 22/06/2023 received a Second Appeal dated 21/06/2023 from Advocate Neiteo Koza, Advocate Libeni B Jungio and Advocate Limika Kinimi, Ladies Bar room, Gauhati High Court, Kohima Bench, Old Ministers' Hill, Kohima-797001, Nagaland, Mobile No- 8257829256, against the in action of the Principal Director & FAA, Directorate of School Education to their First Appeal dated 17/05/2023 which was submitted against the partial information furnished to their RTI application dated 27/03/2023.

AND WHEREAS, the applicants had jointly submitted a RTI application dated 27/03/2023 addressed to the PIO, Directorate of School Education, Nagaland, Kohima, along with Rs. 10/- as application fee, seeking certified true copies of the following information;

- 1) Total number of Graduate Teacher appointed under RMSA from February 2023 under your department.
- 2) Provide list of Graduate Teacher appointed under RMSA from 2010 till March, 2018.
- 3) Provide list of teachers appointed under Samagra Shiksha from the year 2018 till February 2023.
- 4) Provide the list of existing Graduate Teacher in your department in the given format:

Name of the Graduate teacher	Mention details of under which they were recruited	Nature of appointment (State whether regular/ adhoc/contractual)	Date and year of appointment	Place of posting	Details of monthly salary received by the incumbent
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- 5) Provide information on the total number of Graduate Teachers appointed on adhoc basis from 2010 till February 2023 under your department.
- 6) How many graduate teachers who were initially appointed on Adhoc basis were given service regularization in your department from the year 2010 till February 2023.
- 7) Provide information on the total number of graduate Teachers who were appointed on adhoc basis and are receiving pay scale.
- 8) Provide the list of graduate teacher appointed under RMSA and has been absorbed into the State Cadre/ whose service has been regularized with effect from the year January 2010 till February 2023.
- 9) How many graduate teachers were appointed through written examination and interview from the year January 2010 till February 2023.
- 10) How many graduate teacher were appointed on contractual basis from the year January 2010 till February 2023.

- 11) Provide list of graduate teachers who were appointed on contractual basis and their service were regularized between January 2010 till February 2023.
- 12) Provide list of SSA teachers whose service has been regularized with effect from January 2009 till February 2023.
- 13) Provide list of SSA teachers whose service has been regularized with effect from January 2009 till February 2023.
- 14) Provide list of teachers appointed under RMSA, SSA and Samagra Shiksha whose service is not regularized but are receiving pay scale.
- 15) Provide reason why some of the teachers appointed under RMSA and SSA are absorbed into the State Cadre/ given regularization while some are not.
- 16) Provide information on the guidelines followed/ provisions of law/ provisions under Service rule applied for service regularization of RMSA and SSA teachers.
- 17) Provide all documents regarding advertisement for recruitment of graduate teachers from the year 2010 till February 2023.
- 18) Provide document regarding declaration of result of graduate teachers under your department from the year 2010 till February 2023.
- 19) Provide details of the first appellate authority of your department.

AND WHEREAS, on receipt of the RTI application, the PIO, Directorate of School Education, had on 28/04/2023 furnished the information to the applicants.

AND WHEREAS, on receipt of the information furnished by the PIO, the applicants (now appellants) had filed first appeal dated 17/05/2023 to the Principal Director & FAA, School Education, stating that they were aggrieved by the incomplete information given by the PIO as he had responded only to queries No. 2, 3, 5 & 19 of the RTI application and has not provided any information with regard to queries No. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.

AND WHEREAS, on receipt of the first appeal dated 17/05/2023 on 17/05/2023, since there was no action of the Principal Director & FAA, School Education, the applicants (now appellants) had filed second appeal dated 21/06/2023 to the Nagaland Information Commission.

AND WHEREAS, on receipt of the Second Appeal dated 21/06/2023 on 22/06/2023, the Commission had examined it and relying on the Judgement passed in *W.P (MD) No. 4336 of 2017* dated 15/03/2017 before the Madurai Bench of Madras High Court, this Commission is also convinced and satisfied that the said applicants (now appellants) is also a practising advocate and hence decided to reject the Second Appeal. An extract of the above mentioned Madras High Court judgment is reproduced here below:-

"4. The first respondent dismissed the appeal on the premises that the petitioner being a practising advocate cannot seek information relating to the case instituted by him on behalf of his client. As a citizen he can personally ask for information but not as an advocate on behalf of his client. The reasoning given by the first respondent cannot be faulted at all. The second appeal filed by the petitioner has been rightly rejected, as otherwise, every practising advocate would invoke the provision of the RTI, Act for getting information on behalf of his client, which situation does not advance the objects of the scheme of the RTI Act. The laudable objects of the RTI, Act cannot be used for personal ends and should not become a tool in the hands of the advocate for seeking all kinds of information in order to promote his practise".

NOW THEREFORE, it is notified to the following parties that the Appeal is hereby registered and hence declared as closed:-

1. The Principal Director & FAA, School Education, Nagaland, Kohima- 797001.
2. The PIO, Directorate of School Education, Nagaland, Kohima- 797001.
3. The applicants (now appellants), Advocate Neiteo Koza, Advocate Libeni B Jungio and Advocate Limika Kinimi, Ladies Bar room, Gauhati High Court, Kohima Bench, Old Ministers' Hill, Kohima- 797001, Nagaland, Mb- 8257829256.

Sd/-

I.MEYIONEN JAMIR
Chief Information Commissioner

No. NIC/APPEAL-6/2023-24 /46

Dated Kohima, the 12th July, 2023.

Copy to:

1. The PS to the Chief Information Commissioner, Nagaland Information Commission for kind information of the CIC.
2. The PA to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC(N).
3. The PA to the State Information Commissioner, Nagaland Information Commission for kind information of the SIC(K).
4. The Principal Director & FAA, School Education, Nagaland, Kohima- 797001.
5. The PIO, Directorate of School Education, Nagaland, Kohima- 797001.
- ✓ 6. The Computer Programmer, Nagaland Information Commission for uploading on the website.
7. The applicants (now appellants), Advocate Neiteo Koza, Advocate Libeni B Jungio and Advocate Limika Kinimi, Ladies Bar room, Gauhati High Court, Kohima Bench, Old Ministers' Hill, Kohima- 797001, Nagaland, Mb- 8257829256.
8. Office Copy.



(WORHONTHUNG EZUNG)
Deputy Secretary
Nagaland Information Commission