



**STATE INFORMATION COMMISSION, KERALA  
PUNNEN ROAD, THIRUVANANTHAPURAM 695 001**

**Email: [sic.ker@nic.in](mailto:sic.ker@nic.in)**

**Proceedings of the Appeal Petition No.68(1)/2022/SIC  
(File No.1603/SIC-Gen4/2022)**

**(Order will be available in [sic.kerala.gov.in](http://sic.kerala.gov.in))**

**PRESENT**

**Dr. Vishwas Mehta, Chief Information Commissioner**

**Dated: 2022 June 8**

✓ Smt. Thahsin Z.Husain,  
Pathody House,  
Pathody Road,  
Ponani – 679 577.

Appellant

✓ 1) The State Public Information officer,  
DGM MES Mampad College,  
Mampad College P.O.,  
Malappuram – 676 542.

✓ 2) Appellate Authority,  
DGM MES Mampad College,  
Mampad College P.O.,  
Malappuram – 676 542.

Respondents

Date of application u/s 6(1)	25/10/2021
Date of reply furnished	-
Date of 1 <sup>st</sup> appeal	06/12/2021
Date of decision on the 1 <sup>st</sup> appeal	-
Date of filing 2 <sup>nd</sup> appeal	21/01/2022
Date of receipt of 2 <sup>nd</sup> appeal in the Commission	25/01/2022
Date of report called for by the Commission	31/01/2022
Date of receipt of report in the Commission	07/05/2022
Date of hearing	07/06/2022 – Video/Audio
Presence in the hearing : Appellant	Present
: SPIO, AA	Present

**ORDER**

Appeal Petitioner Smt. Thahsin Z. Husain, in her 2<sup>nd</sup> appeal dated 21.1.2022, submitted before the Commission, has stated that no information

sought by her was furnished by the 1<sup>st</sup> Respondent and therefore filed an appeal before the 2<sup>nd</sup> Respondent on 06.12.2021, which was also remains unanswered till date, hence she requested the Commission to direct the concerned to furnish the information sought by her and impose the penalty and recommend disciplinary action against the Respondents for their failure to furnish the information sought.

2. In her application submitted before the 1<sup>st</sup> Respondent, the Appellant sought the following information:

- I. (i) Whether a " Report of unsatisfaction" based on which the memo No.MES/AC/E3394/21 dated 19.2.2021 issued, was reported by the then Principal between 1<sup>st</sup> June 2019 and 31<sup>st</sup> March 2020.
- (ii) If yes, copy of the report by the Principal.
- II. The copies of the "Record of Proceedings" which culminated in punishment of "censure" and consequent entry in his service book.
- III. Can the component of students assessment of individual teachers be incorporated in the assessment criteria and methodology proforma of students feedback, as per UGC and NAAC regulations.

3. Since no reply was given by the 1<sup>st</sup> Respondent to her application, the Appellant filed first appeal before the 2<sup>nd</sup> Respondent on 06.12.2021. But Appellate Authority also did not give a reply or furnish report sought for by the Commission, vide letter of even number dated 31.1.2022.

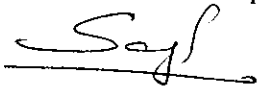
4. On scrutinizing the appeal petition and connected documents, the Commission finds that the Principal of the Respondent office furnished a partial report without mentioning the reason as to why Public Information

Officer and the Appellate Authority did not reply to the RTI application/appeal of the Appellant. At the time of hearing also the Respondents failed to clarify the reasons for their lapses in not giving timely reply to the petitioner and submission of report to the Commission due to their ignorance of RTI Act. Hence the Commission views these lapses on the part of the Respondents seriously and advice them to study the RTI Act properly and not to repeat this kind of mistakes in future while answering the RTI applications and appeals, or else the Commission will be constrained to take action against the Respondents under RTI Act. The Commission also directs the Respondents to allow an opportunity to the Appellant for physical verification of files/documents concerned and provide required copies of available documents free of cost, and to submit an action taken report to the Commission before 20.6.2022 promptly to avoid further proceedings against them. |

5. The Commission disposes of this appeal petition as stated above on the 8<sup>th</sup> day of June 2022.

Sd/-  
Dr. Vishwas Mehta  
Chief Information Commissioner

Authenticated Copy



Commission Secretary

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DESPATCHED  
On. 24/2/23



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PRESENT

Dr. Vishwas Mehta, Chief Information Commissioner

Dated: 2023 February 16

✓ Smt. Thahsin Z.Husain,  
Pathody House,  
Pathody Road,  
Ponnani – 679 577.

} Appellant

✓ 1) The State Public Information officer &  
Assistant Professor,  
DGM MES Mampad College,  
Mampad College P.O.,  
Malappuram – 676 542.

✓ 2) Appellate Authority & Principal,  
DGM MES Mampad College,  
Mampad College P.O.,  
Malappuram – 676 542.

✓ 3) Smt. Itheema P.,  
Deemed PIO & Section Clerk,  
DGM MES Mampad College,  
Mampad College P.O.,  
Malappuram – 676 542.

} Respondents

### FINAL ORDER

The State Information Commission in its order dated 8.6.2022, in the above appeal had found that the Principal of the Respondent office furnished a partial report without mentioning the reason as to why Public Information Officer and the Appellate Authority did not reply to the RTI application/appeal of the Appellant. The Commission also directed the Respondents to allow an opportunity to the Appellant for physical verification of files/documents concerned and to provide required copies of available documents free of cost, and to submit an action taken

report to the Commission before 20.6.2022 promptly to avoid further proceedings against them. But the first Respondent ignored the direction of the Commissioner and Complied with the order only on 26.8.2022, which is a clear violation of the Commission order. The Appellant informed the Commission that the Respondent did not comply with the order as directed by the Hon'ble Chief Information Commissioner and requested the Commission to take stringent action against the Respondent. It is seen that this Commission had earlier conducted hearings on 7.06.2022 and again on 18.1.2023 and these Respondents were asked to come personally with the concerned section clerk with files.

2. During the hearing on 8.2.2023 both these Respondents put forward only lame excuses before the Commission to defend their severe lapses. SPIO mentioned that the section Clerk, Smt. Itheema P., did not submit the order of the Commission dated 8.6.2022 to SPIO and the Principal. The Commission scrutinised the files brought by the Respondents, heard the arguments of the Respondents and looked at their written explanations. It was found that their explanation shows gross negligence, lack of responsibility and complete disregard to the RTI Act, 2005. It is the responsibility of SPIO and Appellate Authority to ensure that RTI application and appeal is disposed within the time limit. The SPIO & Appellate Authority have not furnished any reply to RTI application and appeal of the Appellant. The negligence of Smt. Itheema P., who handles the files is not acceptable and she is considered as deemed SPIO under section 5(5) of the RTI Act.


3. The SPIO has not given any reply to the RTI application dated 25.10.2021 of the Appellant and also failed to comply with the order dated 8.6.2022 of this Commission. Even though this Commission is inclined to impose a penalty of Rs. 250/- per day for the delays, it was decided to punish Dr. Basheer P.T. for not furnishing any reply to RTI application dated 25.10.2021 and impose a penalty of Rs. 8000/- to him and Rs. 2000/- to Smt. Itheema P., Deemed SPIO for her irresponsibility and for not submitting the concerned file to the SPIO in time.

4. The Respondents are directed to remit the said amounts under the Head of Account "0070-60-118-99-Receipts under the Right to Information Act, 2005" within 30 days of the receipt of this order and produce the original chalan receipt before the Commission Secretary, failing which the amount shall be recovered by attachment and sale of movable or immovable properties belonging to Dr. Basheer P.T. & Smt. Itheema P.

5. The Head of the office of SPIO will ensure that the above amount is remitted in time by the Respondents. As such, the Commission disposes of this appeal petition as stated above on the 16<sup>th</sup> day of February, 2023.

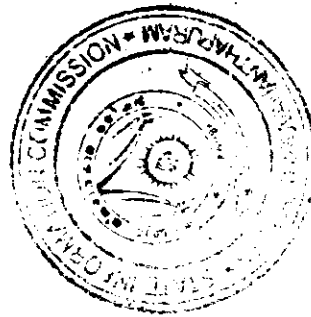
Sd/-  
Dr. Vishwas Mehta  
Chief Information Commissioner

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Commission Secretary

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