

CENTRAL INFORMATION COMMISSION

Adjunct Appeal Nos. CIC/WB/A/2006/62, 65, 68-74,
76-80.82, 83, 87, 89-101,103-106,108-111
Right to Information Act 2005 – Section 18/19

Complainant/Appellant: Smt. Bobby Verma & Others
Respondent: Directorate of Education, Delhi.

Order

In our orders of 30.10.2006 after hearing in the above case we had directed as follows:-

“On examination of the stamped receipt papers, a copy of which has been placed on file, it is found that receipt for 26 letters though stamped carried no ID No. which by practice is stamped on letters accepted for dispatch by UPC. Such numbers are found to have indeed been stamped on the 14 letters stated to have been received. Shri Lilley Singh of Directorate of Education, responsible for the dispatch was unable to give any substantive argument as to why this was so. If in fact dispatch has not been made and this is a deliberate attempt to mislead the Commission, this becomes a serious administrative offence seen in the context of Dr. Yadav's defense before us during the hearing of the notice to show cause why a penalty should not be imposed upon him, warranting serious administrative action by the public authority. Since it could not be established conclusively thus far that there has in fact been an effort to fabricate dispatch papers, there are grounds for suspicion that this has indeed been the case and Shri Lilley Singh has been unable to present a convincing defense as required under proviso II of section 20 of the R.T.A. Act, 2005. The Director (Education) Delhi is directed to enquire into the authenticity of the claim that in fact 26 letters discussed above were dispatched. This enquiry may be completed within 15 working days from the date of issue of these directions and a report to be received in our office on the same day. In case of failure Shri Lilley Singh will be liable not only for penal action u/s 5(5) of the Act and will be required to pay the maximum penalty of Rs. 25,000/- prescribed u/s 20(1), but also liable to disciplinary action as per the rules of the Directorate of Education u/s 20(2).”

In that order we had also directed that since respondents were unable to identify the action taken by State Govt. NCT Delhi on the reference to

CBI in case of suspected venality, Secretary (Education) NCT Delhi will be asked to inform us of the action taken within one week of the date of issue of these orders i.e. 30.10.06.

With regard to the dispatch of 26 letters, we have received a response on 15.11.2006 from the Director Education as directed. This reads as follows:-

“It is submitted that as per the said directions an inquiry has been conducted regarding authenticity of the claim that the said 26 letters were actually dispatched to the addresses. A letter dated 13.11.2006 (copy enclosed) was sent to the Post Master, Shastri Nagar Post Office who has certified vide certificate dated 13.11.2006 (copy enclosed) that the said 26 letters as mentioned in the enclosed UPC sheet had actually been received by this Post Office on 05.04.2006 and were dispatched to the concerned addresses. It has been further clarified by the Post Master that the 9 Nos. of Post Office Marks affixed by the Post Office on the Postage stamps of Rs. 27/-, are authentic and the 26 letters mentioned in the list have been dispatched through ordinary post on the same day. A copy of the UPC sheet verified by Post Office is also enclosed.”

Clearly, in light of this report, no further action is called for. However, Director of Education is advised to ensure that systems are devised to keep applicants under the RTI Act informed of action taken on their applications so that the inconvenience caused to so many persons in this case are not repeated.

With regard to the question of action taken by the Govt. of NCT Delhi to examine if there was no suspicion of venality in admissions warranting enquiry by the CBI, a report is still awaited even though directions have been given that this should be provided within one week. This may now be provided by Secretary (Education), Govt. of NCT Delhi immediately. A copy of the decision of this Commission dated 30.10.06 may be attached with these orders and sent to him for ease of reference.

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)

Chief Information Commissioner

23.11.2006

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(L.C.Singhi)

Addl. Registrar

23.11.2006