

PUBLIC GRIEVANCES COMMISSION

(Govt. of National Capital Territory of Delhi)

APPELLATE AUTHORITY

[Under Section 7, Delhi Right to Information Act, 2001]

Appeal No. 223/2018/PGC/DRTI/DDE dated 26.6.2018

Date of Hearing : 25.3.2019

Appellant : Sh. Dilawar Guleria

Competent Authority : Dy. Director of Education (West-B)
Dte. of Education

Application under DRTI : 06.06.2018

1 Background :

The appellant vide DRTI application dated 06.06.2018 has sought information on total 12 points. Aggrieved with the information provided by the department, he filed this appeal.

2 Proceedings

The appellant is not present. Ms. Sunita Kapoor, SO and Sh. S.C. Meena, Sr. Asstt., Office of the Dy. Director of Education, (West-B) are present on behalf of the department. The representative of the department has furnished a reply dt. 23.3.2019.

The reply of the department has been pursued. It is observed that the letter dt. 23.3.2019 has been signed by the PIO, whereas under the RTI Act 2001 only the Competent Authority viz. Dy. Director of Education (District West-B) is authorised to provide reply to the appellant. The department has informed that as per High Court ruling – "Private un-aided school and colleges are not bound to give the information under the RTI Act" and hence the required information cannot be made available. However, as per the ruling of the High Court, which has been circulated on 1.11.2017 by the DDE (PSB), the information which is already available with the department may be provided. The private unaided recognised schools are bound to submit annual return under Rule 180 of the DSEAR 1973. If the information sought by the appellant is available with the department in the Annual Returns or in the application given at the time of seeking recognition by the school, then the same may be provided by the department.

3 Decision

The matter is brought to the personal attention of the Competent Authority i.e. DDE (West-B) with the direction that the provisions of the circular dt. 1.11.2017 have not been properly applied in the present appeal case and all the information sought by the

appellant has been denied. Clearly the intention of the circular was to provide information which is readily available with the department.

The Competent Authority shall furnish a revised point-wise reply, under the signature/stamp of the Dy. Director of Education (District West-B), being the Competent Authority under the DRTI Act 2001, directly to the appellant within 10 days of receipt of this order. A copy of the revised reply shall be submitted in this office also for perusal. If the Competent Authority is unable to provide information in response to any point, then the reason for the same should be clearly mentioned.

With the above direction, the present appeal case is ordered to be closed in the Commission.

(ASHOK KUMAR)

Chairman,
Public Grievances Commission

Copy to:-

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- 2 Sh. Dilawar Guleria