

100171/ (A)  
28/01/2025

29



भारत सरकार



आधार



ভারত সরকার

Unique Identification Authority of India  
Government of India

ভালিকাভুক্তির আই ডি / Enrollment No.: 0000/00455/75500

To  
ব্রততি মুখোপাধ্যায়  
Bratati Mukhopadhyay  
W/O Sourabh Mukhopadhyay  
63/1 Vidyasagar Road  
Bondhu Mahal Club Nabagram  
Konnagar (P)  
Nabagram  
Hooghly  
West Bengal 712246

30/08/2013  
87179167



MD871791675FH



আপনার আধার সংখ্যা / Your Aadhaar No. :

6475 6936 9794

আমার আধার, আমার পরিচয়



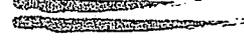
ভারত সরকার  
Government of India  
ব্রততি মুখোপাধ্যায়  
Bratati Mukhopadhyay  
পিতা : সত্যব্রত চ্যাটার্জী  
Father : SATYABRATA CHATTERJEE  
জন্মতারিখ / DOB : 30/08/1985  
মহিলা / Female

6475 6936 9794

আমার আধার, আমার পরিচয়



Government of India



AADHAAR

তথ্য

- আধার পরিচয়ের প্রমাণ, নাগরিকত্বের প্রমাণ নয়।
- পরিচয়ের প্রমাণ অনলাইন প্রমাণীকরণ দ্বারা লাভ করুন।

INFORMATION

- Aadhaar is proof of identity, not of citizenship .
- To establish identity, authenticate online .

- আধার সারা দেশে মান্য।
- আধার ভবিষ্যতে সরকারী ও বেসরকারী পরিষেবা প্রাপ্তির সহায়ক হবে।
- Aadhaar is valid throughout the country .
- Aadhaar will be helpful in availing Government and Non-Government services in future .



আধার

ভারত সরকার  
Unique Identification Authority of India

ঠিকানা:  
সৌরভ মুখোপাধ্যায়, 63/1,  
বিদ্যাসাগর রোড, বন্ধু মহল ক্লাব,  
নবগ্রাম, কোল্লগর, নবগ্রাম, হুগলী,  
পশ্চিম বঙ্গ, 712246  
Address:  
W/O Sourabh Mukhopadhyay,  
63/1, Vidyasagar Road, Bondhu  
Mahal Club, Nabagram, Konnagar  
(P), Nabagram, Hooghly, West  
Bengal, 712246

6475 6936 9794



1947



help@uidai.gov.in



www.uidai.gov.in

Bratati Mukhopadhyay

Speed Post

24.01.2025

To

The State Chief Information Commissioner,

West Bengal Information Commission,

11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

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<u>Enclosure</u>			
2.	Application under R.T.I. Act 2005 Mousumi Adhikari (Chatterjee), The Public Information Officer and/or Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, Hooghly District, Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West Bengal, Pin: 712310; Mob: 9163033593 By the applicant Bratati Mukhopadhyay	22.06.2024	01
3.	Transfer of Application u/s 6(3) of R.T.I. Act 2005 on 28.06.2024, Vide Memo No: Nil, Dated: 28.06.2024 to Kishor Karmakar, The Sub-Inspector of Schools and/ or Public Information Officer, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702, Mob: 8016887993	28.06.2024	02

A  
NO. P. Chatter  
time line.  
27/01/25

*Bratati Mukhopadhyay*

4.	Memo No C/141 was issued, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly,	03.09.2024	03
5.	Memo No C/157 was issued by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702	22.10.2024	04
6.	1 <sup>st</sup> Appeal under R.T.I. Act 2005 u/s 19 (1) by the applicant herein Bratati Mukhopadhyay	12.11.2024	05-08
7.	Memo No. 1004/PE/ HLY/ L dated 19.11.2024 was issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority for Hearing on 27.11.2024.	19.11.2024	09
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**2<sup>nd</sup> APPEAL BEFORE WEST BENGAL INFORMATION COMMISSION**

**U/S 19(3) OF THE R.T.I. Act, 2005**

**DATED: 24.01.2025**

**(Vide Circular No. 337 Dated 18.01.2017)**

To

The State Chief Information Commissioner,

West Bengal Information Commission,

11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

1. **Name of the Applicant** : BRATATI MUKHOPADHYAY  
(Enclosed ID Aadhaar Card)
2. **Address to Correspondence** : 63/1, Vidyasagar Road,  
P.O: Nabagram; Dist: Hooghly,  
P.S: Uttarpara, Pin: 712246  
Ph No: 9874033856
3. **Date of filing of the Application for  
Information Under R.T.I. Act' 2005** : 22.06.2024  
(Vide: Rs: 10 IPO No: 23 F 079522)
4. **Name of State Public Information Officers** :

i. Mousumi Adhikari (Chatterjee),  
The Public Information Officer and/or Head of the Institution,  
Chakundi Primary school, Chanditala Circle, Dept. of Primary Education,  
Hooghly District, Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West  
Bengal, Pin: 712310; Mob: 9163033593

Transfer of Application u/s 6(3) of R.T.I. Act 2005 on 28.06.2024, Vide Memo  
No: Nil, Dated: 28.06.2024 to Kishor Karmakar

ii. Kishor Karmakar,  
The Sub-Inspector of Schools and/ or Public Information Officer  
Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702,  
Mob: 8016887993

5. Gist of the information sought for

- i. Person Concerned : Rajeswari Ganguly  
No. 19, Vivekananda Road, Nabagram,  
Hooghly. Ph no: 8617745418,  
9804372399
- ii. Office /  
Institute of the person : Asst. Teacher,  
Chakundi Primary School, Chanditala  
Circle, Dept. of Primary Education,  
Hooghly District,  
Ward No-I, Dankuni, Dankuni  
Municipality, Hooghly, West Bengal,  
Pin: 712310

Information Required:

- i. Date of joining of Rajeswari Ganguly at the said Institution.
- ii. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- iii. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022 till date (22.06.2024)

6. Response Received: (Enclosed Self Attested Copies)

- i. Transfer of Application u/s 6(3) of R.T.I. Act 2005 to The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 by The Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education on 28.06.2024.
- ii. Memo No C/141 was issued, not accordance with and/ or in gross violation of the law in terms of stipulated time period to reply as per u/s 7(1) of R.T.I. Act 2005, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly,

Asst. Teacher, Chakundi Primary School, Chanditala Circle, Dept. of Primary Education, specifying u/s 11 of R.T.I. Act 2005.

- iii. Memo No C/157 dated 22.10.2024 was issued by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 stated that Rajeswari Ganguly, A.T of Asst. Teacher, Chakundi Primary School, Chanditala Circle, "she at all does not want to disclose any of the information" of the R.T.I Application dated 22.06.2024 as per u/s 8(J) of the R.T.I Act 2005 mentioned in the Chapter -II under Rule 8 (Exemption from disclosure of Information)
- iv. 1<sup>st</sup> Appeal under R.T.I. Act 2005 u/s 19 (1) was made on 12.11.2024 by the applicant herein.
- v. Memo No. 1004/PE/ HLY/ L dated 19.11.2024 was issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority for Hearing on 27.11.2024.
- vi. Written Submission dated 02.12.2024 in pursuance of the Hearing dated 27.11.2024 as it is instructed to submit a Written Submission by the said FAA. Annexed with the Reference Decision No: CIC/SB/A/2015/000516 dated 20.12.2016.
- vii. "Reasoned Order" vide Memo No: 1062/1(5)/PE/HLY/R.T.I. dated 04.12.2024 has been issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority.

7. **Date of Filing 1<sup>st</sup> Appeal** : 12.11.2024  
(Enclosed Self Attested Copy)

8. **Authority to whom the first appeal was made with address:**

- i. The First Appellate Authority,  
Office of Hooghly District Inspector of Schools (Primary Education)  
Pankhatuli Road, Pipulpati,  
Dist.- Hooghly, P.O: -Hooghly, Pin Code: 712103

Fees Paid: Rs 10/ IPO NO: 08F 303721  
Rs 10/ IPO NO: 08F 303722  
Rs 10/ IPO NO: 08F 303723  
Rs 10/ IPO NO: 08F 303724  
Rs 10/ IPO NO: 08F 303725

9. **Decision of the 1<sup>st</sup> Appellate Authority, including Memo Number and Date of Order:**  
**(Enclosed Self Attested Copy)**

i. Reasoned Order Memo No: 1062/1(5)/PE/HLY/RTI; Dated: 04.12.2024

10. **Grounds for 2<sup>nd</sup> Appeal and the relief sought:**

**The following Information are Urgently Required:**

- i. Date of joining of Rajeswari Ganguly at the said Institution.
- ii. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- iii. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022 till date (22.06.2024)

11. **In connection all above the Humble Submission before Second Appellate Authority with the Supporting References/ Memos/ Orders.**

I, the undersigned applicant, being aggrieved by the "Reasoned Order" dated 04.12.2024 issued by The First Appellate Authority who is the District Inspector of Schools (P.E), Hooghly in the Office of Hooghly District Inspector of Schools (Primary Education) Pankhatuli Road, Pipulpati, Dist.- Hooghly, P.O: -Hooghly, Pin Code: 712103, which is unlawful, preoccupied, prejudiced order to suppress the actual truth and transparency of the information of an Asst. Teacher, namely Rajeswari Ganguly, a public servant, withing the meaning of Sec 21 of the IPC, under Chanditala Circle, Dept. of Primary Education. The FAA had taken the wrong stand of the Head of the Institution, Chakundi Primary school and Sub Inspector of Schools, Chanditala Circle, Hooghly respectively by sitting tight over the matter.

That, the primary object of the Right to Information Act, 2005 is to entitle the citizens of India to secure access to the information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority and/or public servant. Hence, after considering the object of the Act I, being the citizen of India is very much entitled pertaining to the questions envisaged in my application dated 22.06.2024 as Smt. Rajeswari Ganguly being public servant is duly accountable with respect to her work to the public or citizens of India and being a citizen of India, this Right to Information Act, 2005 bestowed upon me to seek the information without any hindrance and with the specific legal provision as there is no legal process is going on, before any court of law, on this very specific required information and/ or matter.

That, the competent PIO including The FAA erred in holding tight that the information sought by me, were "third party information" and as Smt. Rajeswari Ganguly was unwilling to disclose any of the information asked in my application dated 22.06.2024. The authorities concerned rejected my said application under Section 8 (1) (j) of the Right to Information Act, 2005 as "personal information," but in my humble estimation, the competent authorities ought to have held that each and every information which I sought in my RTI Application dated 22.06.2024 was relating to the official work of Smt. Rajeswari Ganguly which tantamount to the official information and not personal information as alleged by Smt. Rajeswari Ganguly and that is unlawfully patronized by the the FAA.

Besides that, the Section 8 (1) (j) of the Right to Information Act, 2005 bars the personal information discloser of which has no relationship to any public activity or interest. But in this context the information which I sought has every connection involving the public activity or public interest and the competent authority below ought to have held my application involves larger public interest pertaining to the future of a number of school students of Chakundi Primary School situated at Chakundi, D.C.C. Hooghly. Resultantly, the aforementioned public interest justifies the discloser of information depicted in my application.

That, I would like to draw your kind consideration on the decision number CIC/SB/A/2015/000516 dated 20.12.2016 and it was held in point no. 6 that the denial of information regarding duty roaster and details about the leave of public servant, except the reasons for leave, is not a personal information and further the same relates to public activity or interest. From the above discussion it can be safely argued that information regarding duty roaster and leave records of Smt. Rajeswari Ganguly is not lying under the category of personal

information as I did not seek any reason for her leave and further the same relates to public activity and/or interest.

Per contra, Smt. Rajeswari Ganguly provided one decision which had been erroneously interpreted by the FAA and taking cover of the decision number CIC/SM/A/2013/000058 dated 26.06.2013, now if we minutely consider the point no. 4 it will be revealed from line no. 18 that the sentence starting from the word "the information.....and ending on... those complaints" is categorically out of the context of the present case as in that case the appellant therein sought information regarding some complaints against a Govt. Official and the possible actions the authority might have taken on those complaints and which is a totally different, non-identical information which the appellant therein sought and thereby the referred decision which Smt. Rajeswari Ganguly provided and the FAA biasedly accepted, which is not at all applicable in this present case rather the latest decision which I provided is actually on the same context of the instant case.

That, the statement given by the PIO and/or FAA, that the details of how information has been supplied and also commented that the information had been sought for "Private Purpose only" is not accepted by CIC/SIC in furnishing information under RTI Act but the FAA refused to serve the public information by displaying different dimension or to be precise rejecting the same as "typical personal interest" of the information sought for under R.T.I. Act.

Decision No. CIC/NALCO/A/2017/131601, dated 15.02.2018, The Information Commissioner unambiguously established in his order that "leave/attendance record of a public servant conveys information regarding her availability for duty and hence, relates to public activity. In view of this, the information sought is disclosable under the RTI Act. The Commission, therefore, directs the respondent to provide the information sought vide point no. 4 of the RTI application by the appellant, after severing that part of information which would result in disclosure of reasons/purpose of leave which is a third party personal information and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005, within a period of four weeks from the date of receipt of a copy of this order." This instant matter is quite similar with the referred decision.

That, The Central Information Commission, New Delhi File No. CIC/SM/A/2015/002235 Right to Information Act-2005 stated that "the Appellant seeks a copy of the attendance record of Smt. Prabhavati S. Vadli from May 2011 till the date of her transfer in 2014. This information cannot be regarded as the personal information of an employee of the public authority. Therefore, Section 8 (1) (j) is not applicable in this case. Further, Section 8 (1) (e) is also not

applicable as the disclosure of the information will not result in breach of any fiduciary relationship. The attendance record of a public servant should be a matter of public record. Therefore, we see no ground for denial of the information sought by the Appellant." This instant matter is also quite similar with the referred decision.

That, The FAA and PIO delinquently made desperate drive to suppress the matter/ information sought for, on the Appeal under R.T.I Act dated 22.06.2024, whereas there is definite legal mandate to provide such information within the stipulated period and that is to be stated when the Appellant and the Respondent person concerned are involved in any judicial proceeding on different, separate, independent issues, it does not produce absolute prerogative to a particular respondent/ PIO/ FAA from disclosure of any information what the specific law/ provision of R.T.I Act imposed on a public servant.

That, the FAA most hilariously referred about several WhatsApp chats with me and my husband with the respondent person concerned, and that is also a matter of contradiction to reveal the required information and it would be appropriate for me not to comment over the unreasonable, counterfeit statement recorded in a Reasoned Order dated 04.12.2024.

That, the FAA, a District Inspector by his designation, is sitting tight over the matter under mala fide intention and tried to misrepresent and mislead the SLP (C) No. 27734 of 2012 (@ CC 14781/ 2012) by configuring the part of the whole order. The entire order copy is enclosed herewith for ready reference where there is no impediment, restriction to disclose the information which is categorically sought for in instant case and that is undoubtedly not qualified to be personal information of a public servant.

Therefore, from the above contentions, it is expedient and necessary for ends of justice to provide me all the information which I sought in my application dated 22.06.2024, otherwise, I will be highly prejudiced and will suffer from irreparable peril and predicaments.

**12. Prayer for Penalties Proceeding of the Concerned Authorities and Compensation As per Under Section 19(8)(b) & 20(1), (2) of the RTI Act.**

**The Monetary Penalty and/ or Compensation of at least Rs. 50,000/ (fifty thousand only) and the Severest Disciplinary Action under the Service Rules Applicable against the SPIO and the FAA ought to be Imposed as:**

1. Unlawfully denied the request for furnished information, knowingly given incorrect, incomplete or misleading information by The Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, vide Memo No: Nil dated 28.06.2024.
2. Not furnished the requested information within 30 days of receiving the application vide Memo No C/141 was issued, not accordance with and/ or in violation of the law in terms of stipulated time period to reply as per u/s 7(1) of R.T.I. Act 2005, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly
3. Knowingly given incorrect, incomplete or misleading information vide Reasoned Order vide Memo No: 1062/1(5)/PE/HLY/R.T.I. dated 04.12.2024 has been issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority.

**Declaration**

I, Bratati Mukhopadhyay, daughter of Sree Satyabrata Chatterjee, aged 39, being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Place: *Nabagram, Hooghly.*  
Date: *24/01/2025.*

*Bratati Mukhopadhyay,*  
Signature of the appellant.

"Speed Post"  
Application under R.T.I. Act 2005

To

The Public Information Officer and/or Head of the Institution,  
Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, Hooghly District  
Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West Bengal, Pin: 712310

1. Full Name of the Applicant : BRATATI MUKHOPADHYAY
2. Address to Correspondence : 63/1, Vidyasagar Road, P.O: Nabagram;  
Dist: Hooghly, P.S: Uttarpara, Pin: 712246  
Ph No : 9874033856
3. Person Concerned & her Residential address : RAJESWARI GANGULY  
19, VIVEKANANDA ROAD, NABAGRAM,  
HOOGHLY. PH NO: 8617745418, 9804372399
4. Office / Institute of the Person : CHAKUNDI PRIMARY SCHOOL, CHANDITALA  
CIRCLE, DEPT. OF PRIMARY EDUCATION,  
HOOGHLY DISTRICT  
WARD NO-I, DANKUNI, DANKUNI  
MUNICIPALITY, HOOGHLY, WEST BENGAL,  
PIN: 712310
5. Application Submission Date : 22.06.2024
6. Forms of Information are required:
  - I. Date of joining of Rajeswari Ganguly at the said Institution.
  - II. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
  - III. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022. till date
7. Details of the fee paid, annexed: Rs 10/ IPO NO: 23F 079522  
Sd/- 22.06.2024

Signature of the applicant with date

**Section 6(3) in The Right to Information Act, 2005**

(Where an application is made to a public authority requesting for an information, (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application)

A photocopy of this application is forwarded to:

Shri Virendra, IPS (Retd.)  
State Chief Information Commissioner  
West Bengal Information Commission  
11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

*Self. Attested*  
*Bratati Mukhopadhyay*

*Bratati Mukhopadhyay*



# চাকুন্দি প্রাথমিক বিদ্যালয়

চাকুন্দি ডি. সি. সি., হুগলী

সি-৩৮

Annexure-2

তারিখ 28/06/2024

পত্র নং Nil

From : The Head Teacher  
Chakundi Primary School,  
Chakundi, D.C.C., Hooghly  
Pin : 712310

To : The Sub-Inspector of Schools  
Circle : Chanditala  
Chanditala, Hooghly  
Pin : 712702

Sub. : Transfer of application under section 6(3) of R.T.I. Act, 2005 in connection with the R.T.I. application of BRATATI MUKHOPADHYAY.

Respected Sir,

This is to inform you that I received R.T.I. application on 25/06/2024 made by Bratati Mukhopadhyay seeking some information which are given below.

- 1) Date of joining of Rajeswari Ganguly.
- 2) Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- 3) Photocopy of Attendance Register of precisely Rajeswari Ganguly ( for Teachers) since January 2022 till date.

Subsequently after going through the application I found that the Sub-Inspector of Schools, Chanditala Circle is the competent authority for disposal of the said application. Therefore, the application is hereby transferred under section 6(3) of R.T.I. Act, 2005 to your kind perusal and necessary action.

Yours faithfully,

Mousumi Adhikari (Chatterjee)  
28/06/2024  
Head Teacher  
Chakundi Primary School  
(C-38)

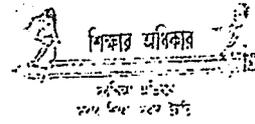
Copy forwarded for her information to :

Bratati Mukhopadhyay,

Address : 63/1, Vidyasagar Road, P.O.- Nabagram, District : Hooghly, P.S.- Uttarpara, Pin : 712246

Self Attested  
Bratati Mukhopadhyay  
28/10/24

Bratati Mukhopadhyay



GOVT. OF WEST BENGAL.



OFFICE OF THE SUB-INSPECTOR OF SCHOOLS  
&  
CIRCLE LEVEL RESOURCE CENTRE

CHANDITALA CIRCLE  
P.O.-CHANDITALA, DIST. - HOOGHLY

Date: 03.09.2024

Memo. No. C/ 141

From

The SPIO & Sub-Inspector of Schools,  
Chanditala Circle  
Hooghly.

To

Rajeswari Ganguly, Asst. Teacher  
Chakundi Primary School  
Chakundi, Dankuni, 712310, Chanditala Circle, Hooghly, W.B.

Ref: RTI application of Bratati Mukhopadhyay, dated 22.06.2024 and

Memo No. NIL dated 28.06.2024 of SPIO & Head Teacher, Chakundi Primary School, Chakundi,  
Chanditala Circle, Hooghly.

In Terms of Section-11 of the RTI Act 2005, you are hereby noticed whether you intends to disclose the informations by submitting written declaration in respect of supplying the following informations which are required by Bratati Mukhopadhyay, 63/1, Vidyasagar Road, P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W.B.

1. Date of Joining of Rajeswari Ganguly at the said institution.
2. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
3. Photocopy of Attendance Register of precisely Rajeswari Ganguly( for Teachers) at the said institution since January 2022 to till date( 22.06.2024).

SPIO  
&

Sub-Inspector of Schools  
Chanditala Circle, Hooghly  
Date: 03.09.2024

Memo. No. C/ 141/1(2)

Copy forwarded for information to:

1. The SPIO & Head Teacher, Chakundi Primary School, Chakundi, Chanditala Circle, Hooghly.
2. Bratati Mukhopadhyay, 63/1, Vidyasagar Road, P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W.B.

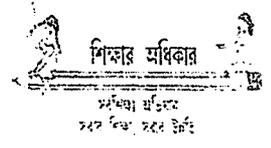
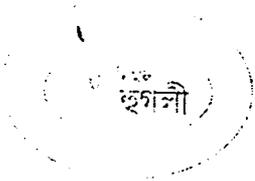
SPIO  
&

Sub-Inspector of Schools  
Chanditala Circle, Hooghly.

Sub-Inspector of S.  
Chanditala Circle  
Chanditala, Hooghly.

Self Attested  
R. . . . .

Bratati Mukhopadhyay .



শিক্ষা বিভাগ  
হুগলী জেলা

OFFICE OF THE SUB-INSPECTOR OF SCHOOLS  
&  
CIRCLE LEVEL RESOURCE CENTRE  
CHANDITALA CIRCLE  
P.O.-CHANDITALA, DIST. - HOOGHLY

Memo. No. C/157

Date: 22.10.2024

From  
The SPIO & Sub-Inspector of Schools,  
Chanditala Circle  
Hooghly.

To  
Bratati Mukhopadhyay, 63/1, Vidyasagar Road,  
P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W.B.

Ref: RTI application of Bratati Mukhopadhyay, dated 22.06.2024 and Memo No. NIL dated 28.06.2024 of SPIO & Head Teacher, Chakundi Primary School, Chakundi, Chaditala Circle, Hooghly and Memo No. C/141 dated 03.09.2024 of the SPIO & Sub-Inspector of Schools, Chanditala Circle, Hooghly.

In reply to the Notice of the SPIO & Sub-Inspector of Schools (PE), Chanditala Circle, Hooghly Vide Memo No. C/141 dated 03.09.2024, Rajeswari Ganguly, A.T of Chakundi Primary School has clearly informed to the Office of the undersigned in her letter dated 11.09.2024 that she at all does not want to disclose any of the information which are asked by Bratati Mukhopadhyay ( a third party herein) in her RTI application dated 22.06.2024 as per the Section 8(J) of the RTI act 2005, mentioned in the Chapter-II under Rule-8 ( Exemption from disclosure of information).

Hence, it is not possible to disclose any of the information which were asked for by Bratati Mukhopadhyay, 63/1 Vidyasagar Road, P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W.B. in her RTI application dated 22.06.2024 by the undersigned.

*(Signature)*  
22/10/24  
SPIO  
&  
Sub-Inspector of School  
Chanditala Circle  
Chanditala, Hooghly

*Bratati Mukhopadhyay*

**"Speed Post"****First Appeal under R.T.I. Act 2005 u/s 19 (1); Dated 12.11.2024**

[Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a State Public Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the State Public Information Officer in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.]

1. The First Appellate Authority,  
Office of Hooghly District Inspector of Schools (Primary Education)  
Pankhatuli Road, Pipulpati,  
Dist.- Hooghly, P.O:-Hooghly, Pin Code :- 712103

The Memo of Appeal was made under Right to Information Act 2005 on 22.06.2024 to The Public Information Officer to the office of the Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, Hooghly District, Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West Bengal, Pin: 712310 in the following manner. (Annexure 1)

- |                                     |   |   |
|-------------------------------------|---|---|
| 1. Full Name of the Applicant       | : | BRATATI MUKHOPADHYAY  |
| 2. Address to Correspondence        | : | 63/1, Vidyasagar Road, P.O: Nabagram;<br>Dist: Hooghly, P.S: Uttarpara, Pin: 712246<br>Ph No : 9874033856                 |
| 3. Person Concerned                 | : | Rajeswari Ganguly<br>D/O Dilip Kumar Ganguly<br>19, Vivekananda Road, Nabagram, Hooghly.<br>Ph no: 8617745418, 9804372399 |
| 4. Office / Institute of the person | : | Asst. Teacher,<br>Chakundi Primary School, Chanditala   |

*Bratati Mukhopadhyay*

Circle, Dept. of Primary Education, Hooghly  
District  
Ward No-I, Dankuni, Dankuni Municipality,  
Hooghly, West Bengal,  
Pin: 712310

5. R.T.I Application Date was : 22.06.2024

6. Details of the fees paid, annexed : Rs 10/ IPO NO: 23F 079522

7. Forms of Information were required from SPIO:

- I. Date of joining of Rajeswari Ganguly at the said Institution.
- II. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- III. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022 till date (22.06.2024)

8. References in the above matter vide Right to Information Act 2005 Application on 22.06.2024; the following Memos (I, II, III) have been issued by the concerned authorities:

I. Transfer of Application u/s 6(3) of R.T.I. Act 2005 to The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 by The Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education on 28.06.2024. (Annexure 2)

II. Memo No C/141 was issued, not accordance with and/ or in violation of the law in terms of stipulated time period to reply as per u/s 7(1) of R.T.I. Act 2005, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly, Asst. Teacher, Chakundi Primary School, Chanditala Circle, Dept. of Primary Education, specifying u/s 11 of R.T.I. Act 2005.

(Annexure 3)

III. Memo No C/157 dated 22.10.2024 was issued by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 stated that Rajeswari Ganguly, A.T of Asst. Teacher, Chakundi Primary School, Chanditala Circle, "she at all does not want

*Bratati Mukhopadhyay*

to disclose any of the information" of the R.T.I Application dated 22.06.2024 as per u/s 8(J) of the R.T.I Act 2005 mentioned in the Chapter -II under Rule 8 (Exemption from disclosure of Information) (Annexure 4)

IV. Decision No CIC/ SB/ A/ 2015/ 000516 dated 20.12.2016 read with Point No 6 it is decided by Sudhir Bhargava, Information Commissioner, Central Information Commission, New Delhi - 110066 "The Commission further observes that denial of information regarding duty roster and the details about the leave of public servant, except the reason for leave, is not a personal information and further the same relates to public activity/ interest." That is authenticated as true copy by S. C. Sharma, Designated Officer. (Annexure 5)

V. Information of action taken to informant on completion of investigation by station officer regarding Uttarpara P.S. Case No. 265/2024 dated 26.06.2024 u/s (Criminal Section) 419/ 506/500/386 IPC and 66B / 72 I.T Act against the accused Rajeswari Ganguly, which case is finally reported as Charge Sheet vide Uttarpara PS C/S No 310/ 2024 dated 23.09.2024 u/s (Criminal Section) 419/ 506/500/386 IPC and 66B / 72 I.T Act and therefore in connection with West Bengal Primary Education (Conduct of Service) Rules, 2001 Govt. of WB; Depart. Of School Education, Primary Br. No. 906-SE(Pry.), Date: 09.07.2001 Notification, read with Point No. 7. (1/ b) A Primary School Council may place a teacher under suspension "Where a case of any criminal offense involving moral turpitude against the teacher is under investigation or trial." and whereas the accused lady is released on bail from August' 2024 (Annexure 6)

VI. Memo No: 4322- SW/ O/MIS-03/2020 (Part-II) dated 08.07.2024 by Govt. of W.B Women & Child Development & Social Welfare Department, Bikash Bhawan. (Annexure 7)

Therefore, in the stated matter the impugned order passed by the concerned authorities mentioned in the above Point No. 8 /I, II, III, being aggrieved, the applicant herein prefers this appeal to First Appellate Authority, Office of Hooghly District Inspector of Schools (Primary Education) Pankhatuli Road, Pipulpati, Dist.- Hooghly, P.O:-Hooghly, Pin Code :- 712103

For that, under such circumstances, your honour is categorically requested as per u/s 7, second paragraph of R.T.I. Act 2005 to provide and / or furnish the much required information asked in the Point No 7 (I, II, III) of this application within the provision of law, at the earliest, after receipt of this appeal, as this information concerns the life and liberty of

*Bratati Mukhopadhyay*

the applicant and family of the applicant, as it is strongly apprehended that the said A.T, Rajeswari Ganguly of such Primary School used to sign the Teachers' Attendance Register on those days when she remained absent in school. That fraudulent practice has been going on for years and the accused A.T practices her criminal activities.

9. Verification by the Applicant : I attest that all the information in this application is true and correct to best of my knowledge.

10. Details of the fees paid, annexed	: Rs 10/	IPO NO: 08F 303721
	Rs 10/	IPO NO: 08F 303722
	Rs 10/	IPO NO: 08F 303723
	Rs 10/	IPO NO: 08F 303724
	Rs 10/	IPO NO: 08F 303725

Nabagram- Hooghly

*Bratati Mukhopadhyay 12/11/24*  
Signature of the Applicant with Date

Enclosure: As State Above.



*Bratati Mukhopadhyay.*

**GOVERNMENT OF WEST BENGAL**  
**OFFICE OF THE**  
**DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY**  
 Pipulpati, P.O. & Dist : Hooghly, Pin : 712103  
 E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No :- 1004 | PE | HLY | L

Date - 19/11/24

**From :** The District Inspector of Schools  
 &  
 The First Appellate Authority  
 Office of the District Inspector of Schools (PE) , Hooghly  
 Pipulpati , Dist - Hooghly , Pin - 712103 .

**To :** Bratati Mukhopadhyay  
 63/1 , Vidyasagar Road , P.O : Nabagram , Dist - Hooghly  
 Pin : 712246 .

**Sub :** Hearing notice .

**Ref :** Your RTI application dt. 12.11.2024 received by this office on 18.11.2024 .

With reference and subject matter as mentioned above, you are requested to attend a hearing which will be scheduled to be held on 27.11.2024 (Wednesday) at 02.00 PM in the chamber of the DI/S(PE) , Hooghly , Pipulpati , Hooghly as a part of disposal of first appeal under RTI Act. 2005 u/s 19(1) .

Hence you are requested to attend the said hearing on the stipulated date & time in person positively .

*D. K. Ganguly*  
 District Inspector of Schools (PE) , Hooghly  
 &  
 The First Appellate Authority  
 Office of the District Inspector of Schools (PE) , Hooghly

Memo No : 1004 | 1(3) | PE | HLY | L

Date : 19/11/24

Copy forwarded to :

1. Rajeswari Ganguly , D/o. Dilip Kumar Ganguly , 19 , Vivekananda Road , Nabagram , Hooghly , Mob No. 8617745418 , with a request to attend the Hearing on that date & time without fail .
2. The SPIO & The Sub Inspector of Schools , Chanditala circle with a request to attend the Hearing with all related documents on that date & time without fail and to communicate the person concerned and the Head Teacher of the concerned school as well .
3. The SPIO & The Head Teacher , Chakundi primary School , Chanditala Circle with a request to attend the Hearing with all documents relating to the queries of the RTI appeal .

*D. K. Ganguly*  
 District Inspector of Schools (PE) , Hooghly  
 &  
 The First Appellate Authority

*Bratati Mukhopadhyay .*

From:

Date: 02.12.2024

Bratati Mukhopadhyay, (Teacher)  
Aadhar No. 6475 6936 9794  
63/1 Vidyasagar Road,  
Nabagram , Hooghly, Pin: 712246; Ph: 9874033856

QW7W047050N INR1492078044705  
P: HOOGHLY SD <712103>  
Counter No: 02/12/2024, 12:41  
To: DISTRICT INSPECTOR, OF SCHOOLS  
PIN: 712103, Hooghly SD  
From: BRATA I MUK, NABAGRAM  
Wt: 50gms  
Amt: 41.30, Tax: 6.30, Ant. Paid: 41.00 (Cash)  
Track on www.indiapost.gov.in)  
<Dial 18002666868> <Wear Masks, stay Safe>

To

The First Appellate Authority

&amp;

District Inspector of Schools (Primary Education), Hooghly,

Pankhatuli Road, Pipulpati,

Dist.- Hooghly, P.O: -Hooghly, Pin Code: - 712103

Sub: Written Submission in connection with the Hearing which was scheduled on 27.11.2024 at

02.00 P.M in the Chamber of of the District Inspector of Schools (Primary Education), Hooghly

Memo No: 1004/PE/HLY/L dated 19.11.2024 issued by The First Appellate Authority and District

Inspector of Schools (Primary Education), Hooghly, Pankhatuli Road, Pipulpati, Dist.-

Hooghly, P.O: -Hooghly.

Sir,

I, the undersigned person, being aggrieved by the order of the SPIO and Sub Inspector of Schools, Chanditala Circle, Hooghly dated 22/10/2024, have preferred the above referred appeal before you and thereafter I was asked to attend the hearing of the above referred appeal on 27/11/2024. In pursuance of that I attended the hearing on 27/11/2024 and in course of hearing you asked me to submit a Written Submission for and on behalf of myself, hence I am to submit the instant Written Submission before you on the following score:

1. That the object of the Right to Information Act, 2005 is to entitle the citizens of India to secure access to the information under the control of public authorities, in order to promote

Bratati Mukhopadhyay.

transparency and accountability in the working of every public authority and/or public servant. Hence, after considering the object of the Act I, being the citizen of India is very much entitled pertaining to the questions envisaged in my application dated 22/06/2024 as Asst. Teacher of Chakundi Primary School, Chakundi, Chanditala Circle Rajeswari Ganguly being Public authority/servant is accountable with respect to her work to the public or citizens of India and being a citizen of India this Right to Information Act, 2005 bestowed upon me the authority to seek the information without any hindrance.

2. That the competent authority below i.e. the SPIO and Sub Inspector of Schools, Chanditala Circle, Hooghly erred in holding that the information sought by me, were third party information and as Smt. Rajeswari Ganguly was unwilling to disclose any of the information asked in my application dated 22/06/2024 the authority concerned rejected my said application under Section 8 (1) (j) of the Right to Information Act, 2005 as personal Information, but in my humble estimation, the competent authority below ought to have held that each and every information which I sought in my RTI Application dated 22/06/2024 was relating to the official work of Smt. Rajeswari Ganguly which tantamount to the official information and not personal information as alleged by Smt. Rajeswari Ganguly.
3. That Section 8 (1) (j) of the Right to Information Act, 2005 bars the personal information discloser of which has no relationship to any public activity or interest. But in this context the information which I sought has every connection involving the public activity or public interest and the competent authority below ought to have held my application involves larger public interest pertaining to the future of a number of school students of Chakundi Primary School situated at Chakundi, D.C.C. Hooghly. Resultantly, the aforementioned public interest justifies the discloser of information depicted in my application.

*Bratati Mukhopadhyay*

That I along with the instant Written Submission enclosing decision number CIC/SB/A/2015/000516 dated 20/12/2016 and it was held in point no. 6 that the denial of information regarding duty roaster and details about the leave of public servant, except the reasons for leave, is not a personal information and further the same relates to public activity or interest. From the above discussion it can be safely argued that information regarding duty roaster and leave records of Smt. Rajeswari Ganguly is not lying under the category of personal information as I did not seek any reason for her leave and further the same relates to public activity and/or interest. Per contra, Smt. Rajeswari Ganguly provided one decision being number CIC/SM/A/2013/000058 dated 26/06/2013, now if we carefully consider the point no. 4 it will be revealed from line no. 18 that the sentence starting from the word "information.....and ending on... those complaints" is out of the context of the present case as in that case the appellant therein sought information regarding some complaints against a Govt. Official and the possible actions the authority might have taken on those complaints and which is a totally different information which the appellant therein sought and thereby the referred decision which Smt. Rajeswari Ganguly provided you is not at all applicable in this present case rather the decision which I provided is actually on the same context of the instant case.

Therefore, from the above contention it is expedient and necessary for ends of justice to provide me all the information which I sought in my application dated 22/06/2024, otherwise, I will be highly prejudiced and will suffer irreparable loss and injury.

Thanking You,

Yours Sincerely,

(Bratati Mukhopadhyay)

Date: 02.12.2024

Enclosure: Decision Number CIC/SB/A/2015/000516 dated 20/12/2016

*Bratati Mukhopadhyay*

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/A/2015/000516**

**Dated 20.12.2016**

**Appellant** : Shri Amit Mahalwal,  
H.No.59, Mehar Chand Building,  
New Delhi-62.

**Respondent** : The Central Public Information officer,  
Delhi Police, O/o the DCP,  
Police Control Room, PCR,  
Model Town-II, Delhi-110 009.

The Central Public Information officer,  
Delhi Police, O/o the DCP,  
Communication, 5, Rajput Road,  
Delhi-110 054.

**Date of Hearing** : 20.12.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 15.06.2015

CPIO's reply : 29.06.2015/28.07.2015

First appeal filed on : 31.07.2015

FAA's order : 17.08.2015

Second appeal filed on : 31.08.2015

**ORDER**

1. Shri Amit Mahalwal filed an application dated 15.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information

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*Bratati Mukhopadhyay -*

Officer (CPIO), Delhi Police Traffic Headquarters seeking information on three points pertaining to details of posting and availing of leave/absence on certain dates by Constable Shri Chand Parkash. The CPIO, Delhi Police Traffic Headquarters vide letter dated 29.06.2015 transferred the RTI application to Police Control Room (PCR Cell), Delhi Police.

2. The appellant filed a second appeal dated 31.08.2015 before the Commission on the grounds that he has been incorrectly denied information by the CPIO as well as the First Appellate Authority (FAA) on the ground that the information sought relates to a third party.

**Hearing:**

3. Both the appellant Shri Amit Mahalwal and the respondent Shri Om Parkash, Sub-Inspector, Ministerial, Delhi Police were present in person.

4. The appellant submitted that he had sought information in respect of duty allocation of one Shri Chand Prakash, Constable, Delhi Police. However, the information sought has been incorrectly denied to him on the ground that the same is personal information of a third party and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act. However, similar information in respect of one Shri Suraj Prakash, Constable, Delhi Police was provided to him in another RTI application dated 15.06.2015 vide letter dated 16.07.2015.

5. The respondent submitted that the information sought relates to personal information of a third party, disclosure of which would invade his privacy and no public interest would be served in disclosure of the said information, therefore, the same is exempted from disclosure under Section 8(1)(j) of the RTI Act. The respondent further submitted that the same was informed to the appellant vide letter dated 28.07.2015.

*Bratati Mukhopadhyay*

**Decision:**

6. The Commission after hearing the submissions of both the parties and perusing the records, observes that the information sought by the appellant relates to the duty roster of one Shri Chand Prakash, Constable, Delhi Police. However, the same was denied by the respondent on the ground of it being a personal information of the individual concerned. The Commission further observes that denial of information regarding duty roster and details about the leave of public servant, except the reasons for leave, is not a personal information and further the same relates to public activity/interest. Hence, the information sought on point nos. 1 and 2 of the RTI application is not exempted under Section 8(1)(j) of the RTI Act. The Commission, therefore, directs the respondent to provide information on point nos. 1 and 2 of the RTI application to the appellant, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations, the appeal is disposed of.

8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)  
Information Commissioner

Authenticated true copy

(S.C. Sharma)  
Designated Officer

*Bratati Mukhopadhyay.*



16

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati , P.O. & Dist : Hooghly, Pin : 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No : - 1062/1(5)/PE/HLY/RTI

Date – 04.12.2024

**OFFICE MEMORANDUM**

**Reasoned Order :**

**Sub :** 1<sup>st</sup> RTI appeal received from Bratati Mukhopadhyay ( Teacher ) , Konnagar High School dated 12.11.2024 to the First Appellate Authority and District Inspector of Schools (PE) , Hooghly .

**Date of Hearing :** 27.11.2024

**Time of Hearing :** 02 P.M.

**Place :** Office Chamber of the DI/S (PE) , Hooghly

**Present :**

- ✓ 1. Bratati Mukhopadhyay – Appellant
2. Rajeswari Ganguly - A.T. Chakundi Pry. School under Chanditala Circle
3. Mousumi Adhikari ( Chatterjee ) – Head Teacher Chakundi Pry School
4. Kishore Karmakar – SPIO and SI/S , Chanditala Circle dated Hooghly

**Background :**

1. A RTI application under RTI Act. 2005 was made on 22.06.2024 by Bratati Mukhopadhyay to the Head Teacher , Chakundi Primary School under Chanditala Circle , Hooghly regarding some required informations about Rajeswari Ganguly , A.T. of the said same school . The informations as required / sought were as follows :

- a) Date of joining of Rajeswari Ganguly at the said institution .
- b) Photocopy of Leave Record of Rajeswari Ganguly since her joining .
- c) Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said institution since January , 2022 to till date 22.06.2024 .

2. The Head Teacher , Chakundi Pry School had transferred the RTI application to the SPIO and SI/S , Chanditala Circle u/s 6(3) of Right to Information Act. 2005 .

3. The SPIO and SI/S , Chanditala Circle having received the application had issued a letter to the Rajeswari Ganguly about her 'No Objection' regarding disclosure of the required informations u/s 11 of RTI Act. 2005 as the matter are 'third party information' . Having not received ' No Objection ' from Rajeswari Ganguly the SI/S, Chanditala Circle rejected the application vide his office memo no. C/157 dated 22.10.2024 .

Cont ..... 2  
Bratati Mukhopadhyay .

4. Having not received any information from the SPIO and SI/S , Chanditala Circle and also being aggrieved of the fact the appellant filed 1<sup>st</sup> appeal before the , 1<sup>st</sup> Appellate Authority and DI/S (PE) , Hooghly on 12.11.2024 .
5. After perusing the application throughly , the 1<sup>st</sup> Appellate Authority decided to hear the appeal on 27.11.2024 and had taken all submissions and perused submitted documents .

### Findings :

1. During the hearing the appellant informed that she required three informations as specified in the RTI application about the said teacher Rajeswari Ganguly. She explained that those informations do not fall under the jurisdiction of public informattions so she expressed that she is entitled to get those informations and she produced an order of Central Information commission dated 20.12.2016 in support of her claim .

Appellant Bratati Mukhopadhyya requested undersigned to accept the presence of his husband ( Sri Sourabh Mukhopadhyay) and representation on behalf of her in the hearing and one advovate on behalf of her also present during hearing and that was allowed .

Mrs. Bratati Mukhopadhyay also filed an FIR against Mrs. Rajeswari Ganguly, having CR No. 448/2024 at Uttarpara P.S , enclosed in the report of S.I of Schools , Chanditala Circle .

2. The teacher Rajeswari Ganguly also informed that those informations as required by the appellant are obviously related to the 'third party information' and she also produced an order dated 26.06.2013 by Chief Information Commission to uphold her view about non-disclosure of those informations as disclosure of those informations may intrude the privacy of the teacher in the school as well .

At the same time , Mrs. Rajeawari Ganguly filed a court case in the Ld. A.C. J.M, at Serampore Court No. MP-50/2024 under FIR 376/2024 at Uttarpara P.S . and that is at pending stage and in her written submission she enclosed several whatsapp communications with Mrs. Mukhopadhyay and her husband Sourabh Mukhopadhyay.

3. The SPIO & SI/S Schools , Chanditala Circle explained his stands about non-disclosure of those informations referring the section under 8(i) of the RTI Act. 2005 as having no proper authorization from ' third party' as well as H.T. of the said school had taken the stand as like as SPIO .

Cont ..... 3

Bratati Mukhopadhyay.

**Decision :**

Being the First Appellate Authority is of the opinion that the present condition of the matter is very serious in nature and the appellant appears to be acted jointly against Mrs. Rajeawari Ganguly under criminal proceedings at the court of law and vice-versa . Two CIC orders submitted by both the parties do not define any ultimate conclusion for its operative nomenclature to follow .

Under this context , procedural action had taken under section 11 (eleven) of RTI Act to deal with third party information matter considering all written submissions and contemporary evidences and under the purview of Section 8 (1) (j) , Chapter -2 and in the light of Supreme Court's order passed in SLP ( C ) 27734 of 2012 , Girish Chandra Deshpande - Vs – Central Information Commission ors. , being first appellate authority, came to the conclusion that the appellant has not succeeded in justifying that three informations sought for is for the larger public interest rather it appears to be a matter which is involved in personal gain or loss and moreover the prayer of appellant and her mode of action are showing the greater interest of her family affairs , resembles typical personal interest .

Informations might not serve the public interest in a true sense . Both the parties are now involved in judicial proceedings , public authority cannot be a part and parcel to be involved in a personal interest of the appellant .

Hence , I am not at all satisfied on the justification of the claim of the appellant and not inclined to entertain the prayer of the appellant to disclose such informations sought for in this instant appeal and the same is dismissed .

All concerned be informed .

Thus the matter is disposed of .

  
4/12/2024  
District Inspector of Schools (PE)  
Hooghly

Bratati Mukhopadhyay

Central Information Commission, New Delhi  
 File No. CIC/SH/A/2015/002235  
Right to Information Act-2005-Under Section (19)

Date of first hearing : 6th January 2017  
 Date of first order : 6th January 2017  
 Date of second hearing : 15<sup>th</sup> February 2017  
 Date of final order : 15<sup>th</sup> February 2017

Name of the Appellant : SHRI VIJAY N HIREMATH  
 VIDYANAGAR HUNGUND,  
 TQ & POST-HUNGUND,  
 DISTT-BAGALKOT- KARNATAKA - 587118

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,  
 KARNATAKA VIKAS GRAMEENA BANK  
 REGIONAL OFFICE, 2ND FLOOR,  
 PLD BANK BUILDING, 1076, OLD  
 P. B. ROAD, KOLHAPUR CROSS,  
 BELGAUM, KARNATAKA-590016

RTI Application filed on : 18/02/2015  
 CPIO replied on : 27/02/2015  
 First Appeal filed on : 31/03/2015  
 First Appellate Authority order on : 15/04/2015  
 2<sup>nd</sup> Appeal received on : 21/07/2015

Attendance during the hearing on 6.1.2017.

The Appellant was present at the NIC Studio, Bagalkot.  
 No one was present on behalf of the Respondents.

Attendance during the hearing on 15.2.2017.

The Appellant was present at the NIC Studio, Bagalkot.

On behalf of the Respondents, Shri S. Hegde, CPIO was present at the NIC Studio, Belgaum.

File No. CIC/SH/A/2015/002235

*Boratati Mukhopadhyay*

Information Commissioner : Shri Sharat Sabharwal

### Information sought

Certified copy of the attendance register of Ms. Prabhavati S. Vadli for the period May 2011 till the date of her transfer in 2014.

### The CPIO reply

The CPIO denied the information under section 8 (1) (e) & (j) of the RTI Act.

### Grounds of the First Appeal

Information not exempted from disclosure under Section 8 (1) (e) and (j) of the RTI Act.

### Order of the First Appellate Authority

The FAA upheld the CPIO's reply.

### Grounds of the Second Appeal

Information sought not provided. Seeks furnishing of full and correct information free of charge, penal action against the CPIO and award of compensation of Rs. 50,000/- to him.

### Relevant facts emerging during the Hearing, Discussion and Decision

#### Hearing on 6.1.2017

The Appellant stated that he had sought information regarding the attendance register of Ms. Prabhavati S. Vadli for the period May 2011 till the date of her transfer in 2014. He claimed that the lady is his wife and stated that the information has been denied under Section 8 (1) (e) and (j) of the RTI Act. The Respondents were not present in spite of a written notice having been sent to them. We would like to give an opportunity to the Respondents to make their submissions before taking a decision in this matter. Accordingly, it is adjourned to be heard again on 15<sup>th</sup> February 2017 at 10.30 a.m. through video-conferencing. The Registry is directed to get in touch

*Bratati Mukhopadhyay.*

with the Respondents to ensure that they are represented at the next hearing. We would also like to give an opportunity to Ms. Prabhavati S. Vadli to make her submissions, if any, in this matter before a decision is taken by the Commission. Therefore, the CPIO is directed to send a copy of this interim order, immediately on its receipt, to Ms. Prabhavati S. Vadli along with copies of the following documents, by registered post, under intimation to the Commission:-

- (i) RTI application dated 18.2.2015.
- (ii) CPIO's reply dated 27.2.2015.
- (iii) Appeal dated 31.3.2015 to the First Appellate Authority.
- (iv) Order of the First Appellate Authority dated 15.4.2015.
- (v) The appeal dated 14.7.2015 filed by the Appellant to the Commission (copy enclosed).

In case Ms. Prabhavati S. Vadli wishes to make any submissions in the matter, she should be present at the NIC Studio at Belgaum during the next hearing on 15.2.2017. The venue for video-conferencing for the hearing on 15.2.2017 will be as follows:-

**For the Appellant**

NIC Video Conferencing Studio,  
District Computer Centre, Ground Floor,  
District Office Complex, Navanagar,  
Bagalkot District (Karnataka)

Contact Officer: Shri Mr. Vasappanavara Giriachar (Scientist-e), Contact No. 08354-235084.

**For the Respondents and Ms. Prabhavati S. Vadli**

NIC District Centre, Ground Floor,  
BDO Building, DC Compound,  
Belgaum- 590001 (Karnataka)

Contact Officer: Shri Mr. Sanjeev R. Kshira Sagar (Scientist-D), Contact No. 0831-2424700/ 2452507.

*Prabhavati Mukhopadhyay.*

Hearing on 15.2.2017

2. The matter came up again today. The Respondents stated that as directed in the interim order dated 6.1.2017, a copy of the interim order and the documents directed to be provided, were sent to Smt. Prabhavati S. Vadli vide the CPIO's letter dated 30.1.2017 and it has been confirmed that the above communication was received by her. However, Smt. Prabhavati S. Vadli was neither present for the hearing today; nor was she represented by anyone.

3. The Respondents stated that the Appellant had sought the personal information of a third party and no larger public interest has been established in this case. They reiterated their decision to deny the information under Section 8 (1) (e) and (j) of the RTI Act.

4. The Appellant stated that Section 8 (1) (e) and (j) are not applicable to the information sought by him. He prayed for provision of the information sought in the RTI application.

5. We have considered the submissions of both the parties. The Appellant seeks a copy of the attendance record of Smt. Prabhavati S. Vadli from May 2011 till the date of her transfer in 2014. This information cannot be regarded as the personal information of an employee of the public authority. Therefore, Section 8 (1) (j) is not applicable in this case. Further, Section 8 (1) (e) is also not applicable as the disclosure of the information will not result in breach of any fiduciary relationship. The attendance record of a public servant should be a matter of public record. Therefore, we see no ground for denial of the information sought by the Appellant.

Accordingly, the CPIO is directed to provide the information to the Appellant, free of charge, within thirty days of the receipt of this order, under intimation to the Commission. While providing the information, the CPIO should sever / blot out the information, if any, regarding the purpose of leave taken by the employee concerned, since such information could relate to personal issues such as family circumstances etc., exempted from disclosure under Section 8 (1) (j) of the RTI Act.

6. The Appellant has sought penal action against the CPIO and award of compensation of Rs. 50,000/- to him. However, there is nothing on record to establish denial of information by the CPIO out of a malafide intent. Further, the Appellant has not established any loss or detriment suffered by him as a result of denial of information to him by the Respondents. Therefore, there is no case either for penal action against the CPIO or award of any compensation to the Appellant.

7. With the above directions and observations, the appeal is disposed of.

8. Copies of this order be given free of cost to the parties.

Sd/-  
(Sharat Sabharwal)  
Information Commissioner

Copy to: Smt. Prabhavati S. Vadli  
Branch Manager,  
Karnataka Vikas Grameena Bank,  
Madhura Colony Branch,  
Hubballi-580 023

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.

(Vijay Bhalla)  
Deputy Registrar

File No. CIC/SH/A/2015/002235

*Pratati Mukhopadhyay*

Central Information Commission, New Delhi  
File No.CIC/SM/A/2013/000058  
Right to Information Act-2005-Under Section (19)

Date of hearing : 26/06/2013

Date of decision : 26/06/2013

Name of the Appellant : Sh. Manoj Arya,  
(RTI Activists and Social Worker) 67, Sec-  
12, CPWD Flats, R K Puram, New Delhi  
-110022

Name of the Public Authority : Central Public Information Officer,  
Cabinet Secretariat,  
(Vigilance & Complaint Cell), 2nd Floor,  
Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

*Bratati Mukhopadhyay*

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refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

CIC/SM/A/2013/000058

*Bratati Mukhopadhyay*

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority.

The appeal is rejected.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)  
Chief Information Commissioner

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.

(Vijay Bhalla)  
Deputy Registrar

RTI Foundation of India

ORDER 1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), National Aluminium Co. Ltd, Human Resource Department, Smelter Plant, Angul Odisha seeking information on ten points including, inter-alia, (i) specific reason why she is not getting Class XI & XII Theory Class and (ii) the reason for writing "involved in unwanted, futile activities and negative thinking" in her Annual Confidential Report (ACR). 2. The appellant filed a second appeal before the Commission on the grounds that that out of 10 points, information has not been provided on any of the points within the stipulated period of 30 days. The appellant stated that incomplete, misleading and malafide denial of information in respect of all ten points has caused her mental torture. The appellant requested the Commission to direct the CPIO to furnish information free of cost under Section 7(6) and to impose penalty on the CPIO under Section 20 of the RTI Act. Hearing: 3. The appellant Dr. Pusalata Rout and the respondent Shri S.S. Panda, DGM, NALCO, Angul attended the hearing through video conferencing. 4. The appellant submitted that certified photocopy of the attendance register pertaining to the Librarian as sought vide point no. 4 of the RTI application has not been furnished. 5. The respondent submitted that point wise information had been provided to the appellant vide letter dated 09.02.2017. The respondent further submitted that the attendance register relating to the Librarian includes personal information of other employees. Hence, copies of the same was not provided to the appellant. Decision: 6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that leave/attendance record of a public servant conveys

*Boratati Mukhopadhyay.*

information regarding her availability for duty and hence, relates to public activity. In view of this, the information sought is disclosable under the RTI Act. The Commission, therefore, directs the respondent to provide the information sought vide point no. 4 of the RTI application by the appellant, after severing that part of information which would result in disclosure of reasons/purpose of leave which is a third party personal information and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005, within a period of four weeks from the date of receipt of a copy of this order. 7. With the above observations, the appeal is disposed of. 8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava) Information Commissioner Citation: Dr. Pusalata Rout v. CPIO, National Aluminium Company Ltd. in Decision No. CIC/NALCO/A/2017/131601, dated 15.02.2018

Read more at: <https://www.rtifoundationofindia.com/certified-photocopy-attendance-register-pertaining>

RTI Foundation of India

*Bratati Mukhopadhyay*



ভারত সরকার



তালিকাভুক্তির আই ডি / Enrollment No.: 0000/00455/75500

To  
ব্রততী মুখোপাধ্যায়  
Bratati Mukhopadhyay  
W/O Sourabh Mukhopadhyay  
63/1 Vidyasagar Road  
Bondhu Mahal Club Nabagram  
Konnagar (P)  
Nabagram  
Hooghly  
West Bengal 712246

30/06/2013  
87179167



MD871791675FH



আপনার আধার সংখ্যা / Your Aadhaar No. :

**6475 6936 9794**

আমার আধার, আমার পরিচয়



ভারত সরকার  
Government of India  
ব্রততী মুখোপাধ্যায়  
Bratati Mukhopadhyay  
পিতা : সত্যব্রত চ্যাটার্জী  
Father : SATYABRATA CHATTERJEE  
জন্মতারিখ / DOB : 30/08/1985  
মহিলা / Female



**6475 6936 9794**

আমার আধার, আমার পরিচয়



Government of India



AADHAAR

তথ্য

- আধার পরিচয়ের প্রমাণ, নাগরিকত্বের প্রমাণ নয়।
- পরিচয়ের প্রমাণ অনলাইন প্রমাণীকরণ দ্বারা লাভ করুন।

### INFORMATION

- Aadhaar is proof of identity, not of citizenship .
- To establish identity, authenticate online .

- আধার সারা দেশে মান্য।
- আধার ভবিষ্যতে সরকারী ও বেসরকারী পরিষেবা প্রাপ্তির সহায়ক হবে।
- Aadhaar is valid throughout the country .
- Aadhaar will be helpful in availing Government and Non-Government services in future .



আধার

ঠিকানা:  
সৌরভ মুখোপাধ্যায়, 63/1,  
বিদ্যাসাগর রোড, বন্ধু মহল ক্লাব,  
নবগ্রাম, কোন্নগর, হুগলী,  
পশ্চিম বঙ্গ, 712246

Address:  
W/O Sourabh Mukhopadhyay,  
63/1, Vidyasagar Road, Bondhu  
Mahal Club, Nabagram, Konnagar  
(P), Nabagram, Hooghly, West  
Bengal, 712246

**6475 6936 9794**



1947



help@uidai.gov.in



www.uidai.gov.in

Bratati Mukhopadhyay

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**Hearing on 05-03-2026**

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**State Chief Information Commissioner West Bengal** < scic-wb@nic.in >

Tue, 10 Feb 2026 1:15:29 PM +0530

To "chanditalaprimary"<chanditalaprimary@gmail.com>,"disphooghly"<disp.hooghly@gmail.com>

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Please find the attachment, for further details visit our website

West Bengal Information Commission

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**1 Attachment(s)**

WBIC-RTI-A-100171-175-2026...

17 KB

D. NO - 541 (ATR)  
12/02/26

LIQUID NO -

Written Submission of Bratati Mukhopadhyay

DI Hooghly < disp.hooghly@gmail.com >

Wed, 11 Feb 2026 5:30:23 PM +0530

To "State Chief Information Commissioner West Bengal" < scic-wb@nic.in >

Please see the attachment .

District Inspector of Schools  
Primary Education, Hooghly

1 Attachment(s)

Brarati Mukhopadhyay.pdf

1.7 MB

Heating Date - 5/3/26  
H.SIC - SK  
100171/175/2026

TR



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati , P.O. & Dist : Hooghly, Pin : 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No :- 95 /PE/HLV/RTI

Date – 11.02.2026

From : The District Inspector of Schools (PE) , Hooghly  
& The First Appellate Authority

To : The Hon`ble State Information Commissioner  
West Bengal Information Commission  
Khadya Bhaban , 11A , Mirza Galib Street, Kolkata - 700087

Sub : Written Submission .

Ref : Memo No: 699-WBIC/RTI/A/100171/175 /2026 dated 10.02.2026 .

Background :

That , 1. RTI application under RTI Act. 2005 was made on 22.06.2024 by Bratati Mukhopadhyay to the Head Teacher , Chakundi Primary School under Chanditala Circle, Hooghly regarding some required informations about Rajeswari Ganguly , A.T. of the said same school . The informations as required / sought were as follows :

- a) Date of joining of Rajeswari Ganguly at the said institution .
- b) Photocopy of Leave Record of Rajeswari Ganguly since her joining .
- c) Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said institution since January , 2022 to till date 22.06.2024 .

That , the Head Teacher , Chakundi Pry School had transferred the RTI application to the SPIO and SI/S , Chanditala Circle u/s 6(3) of Right to Information Act. 2005 .

That , the SPIO and SI/S , Chanditala Circle having received the application had issued a letter to the Rajeswari Ganguly about her 'No Objection' regarding disclosure of the required informations u/s 11 of RTI Act. 2005 as the matter are 'third party information' . Having not received 'No Objection' from Rajeswari Ganguly the SI/S, Chanditala Circle rejected the application vide his office memo no. C/157 dated 22.10.2024 .

That , having not received any information from the SPIO and SI/S , Chanditala Circle and also being aggrieved of the fact the appellant filed 1<sup>st</sup> appeal before the , 1<sup>st</sup> Appellate Authority and DI/S (PE) , Hooghly on 12.11.2024 .

That , after perusing the application throughly , the 1<sup>st</sup> Appellate Authority decided to hear the appeal on 27.11.2024 and had taken all submissions and perused submitted documents .

The following findings had been revealed from hearing and the submissions of both the parties as well.

**Findings :**

1. During the hearing the appellant informed that she required three informations as specified in the RTI application about the said teacher Rajeswari Ganguly. She explained that those informations do not fall under the jurisdiction of public informations so she expressed that she is entitled to get those informations and she produced an order of Central Information commission dated 20.12.2016 in support of her claim .

Appellant Bratati Mukhopadhya requested undersigned to accept the presence of his husband ( Sri Sourabh Mukhopadhyay) and representation on behalf of her in the hearing and one advovate on behalf of her also present during hearing and that was allowed .

Mrs. Bratati Mukhopadhyay also filed an FIR against Mrs. Rajeswari Ganguly, having CR No. 448/2024 at Uttarpara P.S , enclosed in the report of S.I of Schools , Chanditala Circle .

2. The teacher Rajeswari Ganguly also informed that those informations as required by the appellant are obviously related to the 'third party information' and she also produced an order dated 26.06.2013 by Chief Information Commission to uphold her view about non-disclosure of those informations as disclosure of those informations may intrude the privacy of the teacher in the school as well .

At the same time , Mrs. Rajeawari Ganguly filed a court case in the Ld. A.C. J.M, at Serampore Court No. MP-50/2024 under FIR 376/2024 at Uttarpara P.S . and that is at pending stage and in her written submission she enclosed several whatsapp communications with Mrs. Mukhopadhyay and her husband Sourabh Mukhopadhyay.

3. The 'SPIO & SI/S Schools , Chanditala Circle explained his stands about non-disclosure of those informations referring the section under 8(i) of the RTI Act. 2005 as having no proper authorization from ' third party' as well as H.T. of the said school had taken the stand as like as SPIO . (Collectively as Annexure-R1)

**Conclusion :**

Being the First Appellate Authority is of the opinion that the present condition of the matter is very serious in nature and the appellant appears to be acted against Mrs. Rajeawari Ganguly under criminal proceedings at the court of law and vice-versa . Two CIC orders dated 26.06.2013 & 20.12.2016 submitted by both the parties do not define any ultimate conclusion for its operative nomenclature to follow . (Collectively as Annexure-R2)

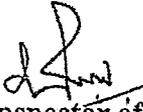
Under this context , procedural action had taken under section 11 (eleven) of RTI Act, 2005, to deal with third party information matter considering all written submissions and contemporary evidences and under the purview of Section 8 (1) (j) , Chapter -2 of RTI Act,2005 and in the light of Hon`ble Supreme Court`s order passed in SLP ( C ) 27734 of 2012 , Girish Chandra Deshpande - Vs – Central Information Commission ors. , which was mentioned in one order dated 14.08.2013 passed by the Joint Secretary (AT & T) Dept. of Personnel & Training and being the first appellate authority, came to the conclusion that the appellant had not succeeded in justifying that three informations sought by her was for the **larger public interest**, rather it appeared to be a matter which was involved in personal gain or loss and moreover the prayer of appellant and her mode of action were showing the greater interest of her family affairs , resembled typical personal interest . **(Collectively as Annexure-R3)**

Informations might not serve the public interest in a true sense . Both the parties are now involved in judicial proceedings , public authority cannot be a part and parcel to be involved in a personal interest of the appellant .

Hence, I was not at all satisfied on the justification of the claim of the appellant and not inclined to entertain the prayer of the appellant to disclose such informations sought for in this instant appeal and thus the same was dismissed & disposed of as well .

This is all my humble submission before the Hon`ble State Information Commissioner and ready to comply with the order passed in this instant matter under this hearing procedure.

Encl : As Stated .

 11/2/26  
District Inspector of Schools (PE)  
Hooghly



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati, P.O. & Dist : Hooghly, Pin : 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No : - 1062/1(5)/PE/HLY/RTI

Date - 04.12.2024

OFFICE MEMORANDUM

Reasoned Order :

Sub : 1<sup>st</sup> RTI appeal received from Bratati Mukhopadhyay ( Teacher ) , Konnagar High School dated 12.11.2024 to the First Appellate Authority and District Inspector of Schools (PE) , Hooghly .

Date of Hearing : 27.11.2024

Time of Hearing : 02 P.M.

Place : Office Chamber of the DI/S (PE) , Hooghly

Present :

1. Bratati Mukhopadhyay – Appellant
2. Rajeswari Ganguly - A.T. Chakundi Pry. School under Chanditala Circle
3. Mousumi Adhikari ( Chatterjee ) – Head Teacher Chakundi Pry School
4. Kishore Karmakar – SPIO and SI/S , Chanditala Circle dated Hooghly

Background :

1. A RTI application under RTI Act. 2005 was made on 22.06.2024 by Bratati Mukhopadhyay to the Head Teacher , Chakundi Primary School under Chanditala Circle , Hooghly regarding some required informations about Rajeswari Ganguly , A.T. of the said same school . The informations as required / sought were as follows :
  - a) Date of joining of Rajeswari Ganguly at the said institution .
  - b) Photocopy of Leave Record of Rajeswari Ganguly since her joining .
  - c) Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said institution since January , 2022 to till date 22.06.2024 .
2. The Head Teacher , Chakundi Pry School had transferred the RTI application to the SPIO and SI/S , Chanditala Circle u/s 6(3) of Right to Information Act. 2005 .
3. The SPIO and SI/S , Chanditala Circle having received the application had issued a letter to the Rajeswari Ganguly about her 'No Objection' regarding disclosure of the required informations u/s 11 of RTI Act. 2005 as the matter are 'third party information' . Having not received ' No Objection ' from Rajeswari Ganguly the SI/S, Chanditala Circle rejected the application vide his office memo no. C/157 dated 22.10.2024 .

Cont ..... 2

4. Having not received any information from the SPIO and SI/S , Chanditala Circle and also being aggrieved of the fact the appellant filed 1<sup>st</sup> appeal before the , 1<sup>st</sup> Appellate Authority and DI/S (PE) , Hooghly on 12.11.2024 .
5. After perusing the application throughly , the 1<sup>st</sup> Appellate Authority decided to hear the appeal on 27.11.2024 and had taken all submissions and perused submitted documents .

**Findings :**

1. During the hearing the appellant informed that she required three informations as specified in the RTI application about the said teacher Rajeswari Ganguly. She explained that those informations do not fall under the jurisdiction of public informattions so she expressed that she is entitled to get those informations and she produced an order of Central Information commission dated 20.12.2016 in support of her claim .

Appellant Bratati Mukhopadhya requested undersigned to accept the presence of his husband ( Sri Sourabh Mukhopadhyay) and representation on behalf of her in the hearing and one advovate on behalf of her also present during hearing and that was allowed .

Mrs. Bratati Mukhopadhyay also filed an FIR against Mrs. Rajeswari Ganguly, having CR No. 448/2024 at Uttarpara P.S , enclosed in the report of S.I of Schools , Chanditala Circle .

2. The teacher Rajeswari Ganguly also informed that those informations as required by the appellant are obviously related to the 'third party information' and she also produced an order dated 26.06.2013 by Chief Information Commission to uphold her view about non-disclosure of those informations as disclosure of those informations may intrude the privacy of the teacher in the school as well .

At the same time , Mrs. Rajeawari Ganguly filed a court case in the Ld. A.C. J.M, at Serampore Court No. MP-50/2024 under FIR 376/2024 at Uttarpara P.S . and that is at pending stage and in her written submission she enclosed several whatsapp communications with Mrs. Mukhopadhyay and her husband Sourabh Mukhopadhyay.

3. The SPIO & SI/S Schools , Chanditala Circle explained his stands about non-disclosure of those informations referring the section under 8(i) of the RTI Act. 2005 as having no proper authorization from ' third party' as well as H.T. of the said school had taken the stand as like as SPIO .

**Decision :**

Being the First Appellate Authority is of the opinion that the present condition of the matter is very serious in nature and the appellant appears to be acted jointly against Mrs. Rajeawari Ganguly under criminal proceedings at the court of law and vice-versa . Two CIC orders submitted by both the parties do not define any ultimate conclusion for its operative nomenclature to follow .

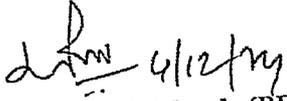
Under this context , procedural action had taken under section 11 (eleven) of RTI Act to deal with third party information matter considering all written submissions and contemporary evidences and under the purview of Section 8 (1) (j) , Chapter -2 and in the light of Supreme Court's order passed in SLP ( C ) 27734 of 2012 , Girish Chandra Deshpande - Vs - Central Information Commission ors. , being first appellate authority, came to the conclusion that the appellant has not succeeded in justifying that three informations sought for is for the larger public interest rather it appears to be a matter which is involved in personal gain or loss and moreover the prayer of appellant and her mode of action are showing the greater interest of her family affairs , resembles typical personal interest .

Informations might not serve the public interest in a true sense . Both the parties are now involved in judicial proceedings , public authority cannot be a part and parcel to be involved in a personal interest of the appellant .

Hence , I am not at all satisfied on the justification of the claim of the appellant and not inclined to entertain the prayer of the appellant to disclose such informations sought for in this instant appeal and the same is dismissed .

All concerned be informed .

Thus the matter is disposed of .

  
 District Inspector of Schools (PE)  
 Hooghly

No. 11/2/2013-IR (Pt.)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi,  
Dated the 14<sup>th</sup> August, 2013

**OFFICE MEMORANDUM**

**Subject: Disclosure of personal information under the RTI Act, 2005.**

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

*"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual."* The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

*Manoj Joshi*  
(Manoj Joshi)  
Joint Secretary (AT&A)  
Tel: 23093668

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

D. NO - 692 (Submission)

File: D. NO -

24/02/26

Subject: Formal Forwarding of "Written Submission by Speed Post and Electronic Service."  
Second Appeal No. WBIC/RTI/A/100171/175/2026 — Detailed Rebuttal to the Illegal Orders Dated  
04.12.2024 & 11.02.2026 — Exposure of Statutory Violations, Administrative Misconduct, and  
Suppression of Transparency

< smukhopadhyay84@gmail.com >

Mon, 23 Feb 2026 10:06:49 PM +0530

To "scic-wb"<scic-wb@nic.in>,"chanditalaprimay@gmail.com"<chanditalaprimay@gmail.com>,"chakundip school"<chakundipschool@gmail.com>,"sio.chanditala.wb"<sio.chanditala.wb@gmail.com>,"dgeprimary.wb.gov.in"<dgeprimary.wb.gov.in@gmail.com>,"disprimary.hooghly"<disprimary.hooghly@wb.gov.in>,"wbinformationcommission"<wbinformationcommission@gmail.com>,"sec.wbic"<sec.wbic@wb.gov.in>,"wbicind"<wbicind@gmail.com>,"DI Hooghly"<disp.hooghly@gmail.com>

Tags \* Not in Contacts

Sir/ Madam,

Kindly follow the attached file herewith. URGENT .

Sincerely,

**BRATATI MUKHOPADHYAY**

RESIDENTIAL ADDRESS:

63/1, VIDYASAGAR ROAD, NABAGRAM, HOOGLY, WEST BENGAL, PIN: 712246;  
PH: 9874033856

**1 Attachment(s)**

WRITTEN SUBMISSION FOR ...

2.8 MB

H. Date - 5/3/26

H. S.I.E. - SK

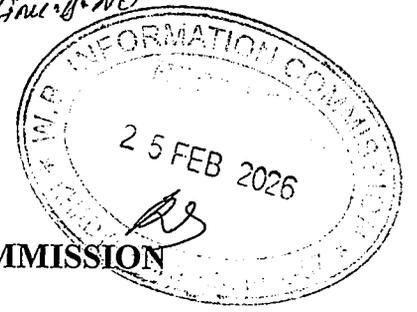
"Written Submission  
Pasted in date folder  
of googledrive"

"Bratati Mukhopadhyay"

D.NO-734 (Submission)

25/02/26

Case No.



“SPEED POST”

IN THE WEST BENGAL INFORMATION COMMISSION

The Hon'ble Information Commissioner  
West Bengal Information Commission  
Bhabani Bhavan (Ground Floor)  
Alipore, Kolkata – 700027; West Bengal

(Statutory Authority under the Right to Information Act, 2005)

SECOND APPEAL – WRITTEN SUBMISSION

For Hearing before Hon'ble State Information Commissioner Ms Sanchita Kumar  
on 05.03.2026 at 11:30

Memo No. 698-WBIC/RTI/C/601920/2146/2024

Memo No. 699-WBIC/RTIA/100171/175/2026

Bratati Mukhopadhyay

63/1, Vidyasagar Road, Bondhu Mahal Club,  
P.O. – Nabagram, Konnagar,  
P.S. – Uttarpara, District – Hooghly,  
Pin – 712246, West Bengal

... Appellant

vs.

The SPIO,  
Office of the Sub-Inspector of Schools & Circle Level Resource Centre (PE),  
Chanditala Circle,  
P.O. – Chanditala, District – Hooghly, Pin – 712702

... Respondent No. 1

The SPIO,  
Chakundi Primary School  
Chanditala Circle  
Department of Primary Education  
Hooghly District; Ward No. 1, Dankuni

1

Bratati Mukhopadhyay  
23.02.2026



Dankuni Municipality  
Hooghly, West Bengal  
PIN: 712310

... Respondent No. 2

The First Appellate Authority,  
Office of the District Inspector of Schools (PE),  
Hooghly, Pipulpati,  
Pin – 712103

... Appellate Authority

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Memo No. 699-WBIC/RTI/A/100171/175/2026

WRITTEN SUBMISSION ON BEHALF OF THE APPELLANT

BRATATI MUKHOPADHYAY

Appeal No. 100171 of 2026  
Before the Hon'ble State Information Commissioner  
West Bengal Information Commission

RECEIPT OF HEARING NOTICE

I, Bratati Mukhopadhyay, Appellant, respectfully submit this Written Submission in compliance with the Hearing Notice dated 10.02.2026, duly received by me on 20th February 2026 by Speed Post. \_\_\_\_\_

This Submission fulfils the requirement under Paragraph 4 of the Notice, which invites written arguments to be filed at least 7 days before the hearing scheduled on 05.03.2026 at 11:30 A.M.

This document is placed with utmost respect before this Hon'ble Commission in exercise of my statutory right under Section 19(3) of the Right to Information Act, 2005 ("RTI Act").

CHRONOLOGICAL FACTS OF THE CASE

RTI Application – 22 June 2024

On 22.06.2024, I filed an RTI application seeking three specific items of information related to the service-related records of a government-aided primary school teacher.

These items concern:

official service particulars,

status of employment/appointment,

records held by public authority in official capacity.

Such information is clearly covered under:

Section 2(f) – Information

Section 2(i) – Record

Section 4(1)(b) – Mandatory disclosure obligations of public authorities.

SPIO's Memo No. C/141 dated 03.09.2024

Before denying the RTI, the SPIO had issued Memo No. C/141 dated 03.09.2024, containing binding instructions governing the processing, handling, disclosure, and statutory compliance relating to RTI applications.

The memo mandates:

strict compliance with Section 11 third-party procedure,

mandatory issuance of speaking orders under Section 7(8),

strict requirement of public interest evaluation,

prohibition on mechanical “third-party” denials,

ensuring complete transparency in service-related matters,

disclosure of all public employment records unless specifically exempt under the Act.

This memo forms an internal administrative guideline that ensures lawful compliance by the SPIO.

SPIO, however, blatantly violated his own Memo No. C/141 dated 03.09.2024, demonstrating:

non-application of mind,

disregard of statutory mandates,

administrative misconduct,

bad faith in denial.

Thus, the denial becomes per se illegal, arbitrary, and void.

**SPIO's Denial Is Legally Unsustainable and Fundamentally Defective**

The SPIO's reply dated 22 October 2024 is fatally flawed, legally unsustainable, and deserves to be struck down in limine as it suffers from multiple statutory infirmities. The SPIO invoked the exemptions of "personal information" under Section 8(1)(j) and "third-party information", yet failed to satisfy even a single statutory precondition required to lawfully invoke these exemptions. No legal reasoning was provided, no factual basis was explained, no statutory analysis was undertaken, and no mandatory procedures were followed. The Hon'ble Supreme Court in *CBSE v. Aditya Bandopadhyay* (2011) 8 SCC 497 has held that exemptions must be narrowly construed, that disclosure is the rule, and denial the exception, and that the burden lies upon the public authority to justify refusal. By issuing a mechanical, one-line rejection without reasoning, the SPIO violated the very essence of the RTI Act, rendering the order arbitrary, colourable, non-speaking, and constitutionally invalid under Article 14 in terms of *Maneka Gandhi v. Union of India* (1978) 1 SCC 248. The denial, therefore, is void in law.

Violation of Mandatory Section 11 Procedure: No Notice, No Hearing, No Application of Mind.

The SPIO's denial is independently vitiated by the complete non-compliance with Section 11(1) of the RTI Act, which mandates that before invoking third-party exemption, the PIO must issue a written notice to the third party, furnish a copy of the RTI application, grant 10 days' time for objections, consider such objections, and thereafter pass a reasoned speaking order applying the public interest test. This procedure is mandatory, as held by the Delhi High Court in *Arbind Prasad v. CIC* (2012), where the Court ruled that non-issuance of notice under Section 11 "vitiates the decision-making process entirely." In the present case, no notice was issued, no objections were sought, no assessment of competing interests was undertaken, and no speaking order was passed. The SPIO acted in direct contravention of statutory mandate and binding precedent. Consequently, the denial is ultra vires, procedurally fatal, and void ab initio.

SPIO Violated Memo No. C/141 Dated 03.09.2024, a Binding Administrative Instruction

Equally egregious is the SPIO's blatant violation of Memo No. C/141 dated 03.09.2024 issued by the Office of the Sub-Inspector of Schools, which explicitly requires strict adherence to Section 11 procedures, mandates transparency in all school-related RTI matters, forbids mechanical denials, and directs evaluation of public interest prior to invoking exemptions. The SPIO ignored this binding instruction entirely, thereby acting arbitrarily, unreasonably, and in violation of the administrative discipline expected of a statutory authority. The Hon'ble Supreme Court in *Mohinder Singh Gill v. Chief Election*

Commissioner (1978) 1 SCC 405 held that administrative authorities must follow their own rules, norms and instructions, failing which their actions are rendered arbitrary and violative of Article 14. Likewise, in *Maneka Gandhi v. Union of India*, the Supreme Court held that arbitrary exercise of statutory power is constitutionally forbidden. The SPIO's disregard of Memo C/141 is clear evidence of non-application of mind and malafide obstruction under Section 20(1), thereby rendering the denial wholly illegal.

#### Absence of Speaking Order Under Section 7(8) Renders the Denial Constitutionally Void

Under Section 7(8) of the RTI Act, when the PIO denies information, he is legally obligated to issue a "speaking order" containing (a) reasons for denial, (b) the exact statutory provisions invoked, and (c) details of the appellate authority. The SPIO provided none. The denial order is a bare, templated, conclusory sentence devoid of any reasoning or factual explanation. Such an order violates the principles of natural justice and reasoned decision-making mandated by the Hon'ble Supreme Court in *Siemens Engineering v. Union of India* (1976) 2 SCC 981, wherein it was held that "every quasi-judicial authority must record reasons," and failure to do so renders the order arbitrary and unconstitutional. The denial also fails the test laid down in *Mohinder Singh Gill* that orders must stand on their own reasons. Since the denial lacks all essential attributes of a legal order, it is a nullity in the eyes of law.

#### No Public Interest Test Applied: A Complete Violation of Section 8(1)(j) Proviso and Supreme Court Doctrine

Even assuming for argument's sake that the information is "personal" (which it is not), the SPIO was still required to apply the proviso to Section 8(1)(j), which mandates disclosure where larger public interest justifies it. No such analysis was undertaken. No reference was made to the public interest inherent in the functioning of government-aided schools, the transparency rights of stakeholders, or the accountability obligations of teachers occupying public posts. The Constitution Bench in *Subhash Chandra Agrawal v. Office of the CJI* (2019) 16 SCC 808 has held that public interest is a decisive factor in determining disclosure. Failure to apply the public interest test is a substantive illegality, violating the statutory mandate of Section 8, the pro-disclosure bias of the RTI Act, and the jurisprudence laid down in *R.K. Jain v. Union of India* (1993) 4 SCC 119. The denial is therefore void for non-application of the essential statutory test.

#### Total Violation of Section 19(5): Burden of Justification Ignored Completely

Section 19(5) explicitly places the burden of proof on the SPIO to justify denial of information. This statutory burden is mandatory and non-delegable. The SPIO has not provided a single reasoned justification for invoking Section 8(1)(j), nor has he shown how disclosure would constitute “unwarranted invasion of privacy.” The Supreme Court in *CBSE v. Aditya Bandopadhyay* held that the public authority must demonstrate, with evidence and reasoning, how an exemption applies; mere assertion is insufficient. Further, the Delhi High Court in *Union of India v. Vishwas Bhamburkar* (2013) held that failure to discharge the burden under Section 19(5) renders the denial illegal per se. In the instant case, the SPIO failed utterly to provide any justification, thereby violating statutory mandate and rendering the denial void.

### Cumulative Violations Render the Denial Order Void, Unconstitutional, and Non-Est

When viewed cumulatively, the SPIO’s denial is tainted by a series of independent and jointly fatal violations—non-compliance with Section 11, violation of Section 7(8), failure to apply Section 8(1)(j) proviso, violation of Section 19(5), breach of Memo No. C/141, mechanical invocation of exemptions, reliance on irrelevant considerations, violation of natural justice, and contradiction of multiple Supreme Court judgments. Each of these defects independently renders the denial untenable; taken together, they establish a pattern of arbitrary, unlawful, and constitutionally impermissible conduct. As held in *State of Orissa v. Binapani Dei* (1967) 2 SCR 625, administrative decisions made in violation of procedure are void. Accordingly, the SPIO’s denial dated 22.10.2024 is procedurally void, jurisdictionally defective, substantively unconstitutional, and legally non est—as if never passed. It must therefore be set aside, and the requested information mandatorily disclosed under Section 19(8)(a)(i)

First Appeal & FAA’s Reasoned Order (04.12.2024)

FAA rejected the appeal based on:

Finding No. 2 – false assertion that judicial proceedings exist,

Finding No. 3 – incorrect classification as “personal information”,

reliance on Office Memorandum dated 14.08.2013,

“The reliance placed by the First Appellate Authority on the judgment of the Hon’ble Supreme Court in *Girish Chandra Deshpande v. CIC* (2013) 1 SCC 212 is ex facie erroneous, misconceived, and legally unsustainable, and amounts to a gross misapplication of law. The ratio of *Girish Deshpande* is extremely narrow and applies

only to a restricted class of information, namely Annual Confidential Reports (ACRs), integrity assessments, confidential character rolls, property returns, medical details, and disciplinary proceedings—documents which contain personal assessments of conduct, integrity or character and are thus rightly protected on grounds of privacy. The Appellant, in the instant matter, has categorically not sought any ACRs, not sought any integrity certificates, not sought property or medical records, and not sought any confidential disciplinary findings. Instead, the Appellant has sought three specific items of routine service-related information connected solely with the discharge of public duties by a teacher in a government-aided school—information that has been consistently held by the Hon'ble Supreme Court and various High Courts to be squarely within the domain of public accountability. The Constitution Bench in *Subhash Chandra Agrawal v. Office of the CJI* (2019) 16 SCC 808 has emphatically clarified that public servants enjoy a reduced expectation of privacy in matters concerning their official functions. Likewise, the Hon'ble Supreme Court in *Bihar PSC v. Rizwi* (2012) 13 SCC 61, the Delhi High Court in *UPSC v. R.K. Jain* (2012), and the Bombay High Court in *Shalaka Verma* (2018) have unanimously held that appointment details, service particulars, posting records, and duty-related information do not constitute 'personal information' under Section 8(1)(j) of the RTI Act and cannot be withheld by invoking *Girish Deshpande*. The FAA's attempt to expand the limited privacy protection granted in *Girish Deshpande* to routine employment information not only contradicts binding judicial precedent but also defeats the very object of the RTI Act, violates Section 4(1)(b)'s mandate of transparency in public employment, and amounts to arbitrary and colourable exercise of discretion. The misapplication of *Girish Deshpande* is therefore not a mere interpretational error but a fatal legal infirmity which vitiates Finding No. 3 completely, rendering the FAA's order unsustainable in law and liable to be set aside completely.

complete non-application of mind.

FAA's order is factually wrong, legally unsound, and contrary to settled RTI jurisprudence.

## ISSUES FOR DETERMINATION

WHETHER THE THREE INFORMATION ITEMS FALL UNDER "PERSONAL INFORMATION" UNDER SECTION 8(1)(j)?

It is respectfully submitted that the three specific information items sought by the Appellant do not fall within the ambit of "personal information" under Section 8(1)(j) of the RTI Act, as they are intrinsically connected to the discharge of public duties by a government-aided school teacher and therefore constitute information squarely relating to

public activity and public interest. The Constitution Bench of the Hon'ble Supreme Court in *Subhash Chandra Agrawal v. Office of the CJI* (2019) 16 SCC 808 has categorically held that public servants enjoy a reduced sphere of privacy in matters connected with their official roles. Further, in *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi* (2012) 13 SCC 61, the Court held that "service-related information such as appointment, promotion, posting, qualification verification or service records of public servants cannot automatically be treated as personal information." The Delhi High Court in *UPSC v. R.K. Jain* (2012) reiterated that routine service particulars do not fall under Section 8(1)(j). The information sought in the instant matter relates exclusively to public employment and public office, and therefore does not constitute "personal information" exempt from disclosure. This Hon'ble Commission is bound by the principle that exemptions must be narrowly construed and disclosure is the rule (*CBSE v. Aditya Bandopadhyay*, (2011) 8 SCC 497). Hence Section 8(1)(j) has no application whatsoever.

#### WHETHER EXISTENCE OF UNRELATED JUDICIAL PROCEEDINGS BARS RTI DISCLOSURE?

The assertion of the First Appellate Authority that the parties are "involved in judicial proceedings" and therefore information cannot be disclosed is *ex facie* erroneous, legally untenable, and contrary to binding precedent. The Hon'ble Supreme Court in *CBSE v. Aditya Bandopadhyay* (2011) 8 SCC 497 has unequivocally held that the right to information under the RTI Act is independent of all other legal proceedings and that pendency of civil or criminal litigation has no bearing on disclosure obligations. The Delhi High Court in *Bhagat Singh v. CIC* (2007) 162 DLT 498 reaffirmed that "mere pendency of litigation between the parties cannot become a shield to deny information under RTI." The CIC in *Rakesh Kumar Singh v. Lok Sabha Secretariat* (2007) likewise held that disputes between parties are irrelevant for determining whether information must be disclosed. The FAA's reliance on non-existent or unrelated judicial proceedings is thus an improper importation of extraneous considerations into the statutory framework, amounts to a violation of Section 7 and Section 19(5), and constitutes a perverse and colourable exercise of power. Therefore, no judicial proceeding—whether real or imagined—bars disclosure of the information sought in the present matter.

#### WHETHER AN OFFICE MEMORANDUM CAN OVERRIDE RTI ACT OR SUPREME COURT LAW?

It is settled law that an Office Memorandum cannot override a Parliamentary statute or binding judicial precedent under Article 141 of the Constitution. The First Appellate

Authority's reliance on the Office Memorandum dated 14.08.2013 is therefore wholly misconceived, legally void, and constitutionally impermissible. In *Union of India v. R. Gandhi* (2010) 11 SCC 1, the Hon'ble Supreme Court held that administrative instructions or office memoranda have no statutory force and cannot dilute or supersede the mandate of a statute. Likewise, in *Union of India v. P.R. Deshpande* (2009) 2 SCC 90, the Court reiterated that office memoranda are merely executive guidelines, not law, and cannot override a statutory scheme. Under Section 8(1)(j) and Section 11 of the RTI Act, disclosure exemptions must be evaluated strictly as per the Act and judicial interpretation—not through administrative circulars. The FAA's blind reliance on this O.M. while ignoring Supreme Court law, the statutory mandate of Section 4(1)(b), and the narrow application of Section 8 exemptions is a clear jurisdictional error rendering the order dated 04.12.2024 void ab initio.

#### WHETHER SPIO FOLLOWED SECTION 11 (THIRD PARTY PROCEDURE)?

The SPIO's failure to follow the mandatory third-party consultation procedure under Section 11(1) renders the denial of information legally void. Section 11 expressly mandates that before denying information relating to a third party, the SPIO must issue a written notice to that third party, provide a copy of the RTI application, invite objections within 10 days, and thereafter pass a speaking order applying the public interest test. In *Arbind Prasad v. CIC* (Delhi High Court, 2012), it was held that non-observance of Section 11 is a fatal procedural irregularity that vitiates the entire decision-making process. The SPIO also violated Memo No. C/141 dated 03.09.2024, which mandates strict compliance with Section 11 in RTI matters relating to school records. Denial without following Section 11 is not merely an irregularity but a direct violation of natural justice (*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248). Therefore, the SPIO's denial without invoking and complying with Section 11 is void, illegal, and unsustainable, and must be struck down.

#### WHETHER SPIO / FAA VIOLATED SECTION 19(5)?

Both SPIO and FAA violated Section 19(5) of the RTI Act, which unequivocally places the burden of proof upon the public authority to prove that denial of information is justified. The statutory wording of Section 19(5) is mandatory and leaves no discretion: "The onus to prove that denial was justified shall lie on the Central Public Information Officer or the State Public Information Officer." In *Union of India v. Vishwas Bhamburkar* (Delhi HC, 2013), the Court held that failure to discharge this burden renders the denial illegal per se. The SPIO gave no reasoning, no written justification, no

statutory analysis, and no public interest evaluation. The FAA compounded this illegality by mechanically upholding the denial without any independent scrutiny. This abdication of statutory duty violates the principles laid down in *Siemens Engineering v. Union of India* (1976) 2 SCC 981, where the Supreme Court held that administrative decisions must provide clear reasons. By failing to justify denial as required under Section 19(5), the SPIO and FAA have rendered the denial null and void.

#### WHETHER PENALTY UNDER SECTION 20 IS MANDATORY?

Yes. Penalty under Section 20(1) is mandatory because the statutory conditions triggering penalty have been cumulatively satisfied. Section 20(1) provides that where the SPIO has (i) without reasonable cause refused to receive an RTI application, or (ii) not furnished information within the mandated time, or (iii) malafidely denied the request for information, or (iv) knowingly provided incorrect, incomplete or misleading information, or (v) obstructed the furnishing of information, the Commission “shall impose” penalty. The use of the word “shall” makes the provision mandatory. In *R.K. Jain v. Union of India* (Delhi HC, 2013), it was clarified that once malafide denial or conscious violation is shown, penalty cannot be avoided. The SPIO in the present case (a) violated Section 11, (b) provided a non-speaking order contrary to Section 7(8), (c) failed to discharge the burden under Section 19(5), (d) misapplied Section 8(1)(j), (e) violated Memo C/141 dated 03.09.2024, and (f) relied on false grounds (judicial proceedings). These actions cumulatively constitute deliberate obstruction. Therefore, penalty under Section 20(1) is not optional but mandatory, and disciplinary action under Section 20(2) must also be recommended.

#### WHETHER FAA’S ORDER DATED 04.12.2024 MUST BE SET ASIDE?

The FAA’s order dated 04.12.2024 is liable to be set aside in its entirety as it suffers from errors of fact, errors of law, non-application of mind, jurisdictional overreach, and reliance on irrelevant materials. The FAA relied on an Office Memorandum that has no statutory force, misapplied *Girish Chandra Deshpande*, ignored binding Supreme Court precedent such as *Subhash Chandra Agrawal*, *Aditya Bandopadhyay*, and *Rizwi*, failed to address the SPIO’s violations of Section 11, Section 7(8), and Memo C/141, and incorporated an incorrect finding that judicial proceedings bar disclosure. It also failed to perform the statutory duty imposed by Section 19(1) and 19(6) to independently evaluate the denial. The order lacks the essential ingredients of a speaking order as required under *Mohinder Singh Gill v. CEC* (1978) and *Siemens Engineering* (1976). Therefore, the

4  
FAA's order is arbitrary, perverse, unconstitutional, and contrary to the RTI Act, and must be quashed in toto by this Hon'ble Commission

## DETAILED LEGAL SUBMISSIONS

### THE INFORMATION SOUGHT IS NOT "PERSONAL INFORMATION"

It is respectfully submitted that the information sought by the Appellant does not fall within the exemption under Section 8(1)(j) of the Right to Information Act, 2005, as the nature and character of the information pertains exclusively to the discharge of public duties by a teacher employed in a government-aided primary school. Section 8(1)(j) contemplates exemption only where information constitutes "personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of privacy." The statutory phrase "no relationship to any public activity or interest" is determinative. The records sought—service particulars, employment-related documents, and details concerning official duties discharged by a public servant—are quintessentially public in character. These are not private, intimate, confidential, or sensitive life details of a person. Instead, they are records created, maintained, and held by a public authority in the course of statutory public functions. Therefore, by definition, such information falls outside the scope of Section 8(1)(j).

The Hon'ble Supreme Court has repeatedly affirmed that public servants do not enjoy the same degree of informational privacy as private individuals with respect to matters relating to their official functions. The Constitution Bench in *Subhash Chandra Agrawal v. Office of the Chief Justice of India* (2019) 16 SCC 808 held that public officials have a "restricted zone of privacy" and that information pertaining to discharge of public duties cannot be shielded under Section 8(1)(j). The Court emphasized that privacy exemptions must not be used to conceal "acts and omissions of public authorities" and that transparency in public employment is a constitutional requirement under Article 19(1)(a). Likewise, in *Thalappalam Service Coop. Bank Ltd. v. State of Kerala* (2013) 16 SCC 82, the Supreme Court reiterated that information concerning performance of public duties is subject to disclosure unless expressly exempted. Thus, the jurisprudence is categorical that "public duty = public information," and such information cannot be categorised as personal.

Further, in *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi* (2012) 13 SCC 61, the Supreme Court held that "records relating to appointment, promotion, posting, and service matters of public servants cannot automatically be treated as personal information." The Court clarified that only those records which delve into the private or intimate realm—such as medical details, family matters, property returns, confidential ACRs, or disciplinary integrity assessments—may qualify as personal information. The Appellant in the present matter seeks none of these categories. The

requested information involves only official service-related data, which is intrinsically tied to the public functioning of a teacher in a government-supported institution. Therefore, the Respondent's attempt to categorise such information as personal is entirely contrary to binding judicial precedent.

The Delhi High Court in *UPSC v. R.K. Jain* (2012 SCC OnLine Del 2961) further elucidated that "routine service particulars of public servants, such as date of appointment, service history, qualification verification, and tenure details, cannot be exempted under Section 8(1)(j) as they directly relate to public activity and accountability." Similarly, the Bombay High Court in *Shalaka Verma v. State of Maharashtra* (2018) held that employment records of teachers of public institutions must be disclosed because teachers are entrusted with statutory and constitutional responsibilities connected with public education. These judgments form a consistent judicial line that public employment information is not 'personal' within the meaning of Section 8(1)(j). The SPIO and FAA's attempt to stretch this exemption to cover routine public service data is therefore wholly impermissible.

The Hon'ble Supreme Court in *Girish Chandra Deshpande v. CIC* (2013) 1 SCC 212, which is often misquoted to deny service-related information, has a narrow and specific ratio. The Court held that ACRs, integrity assessments, disciplinary findings, and property statements constitute personal information. However, the Court never held that appointment records, service particulars, postings, or duty-related information are exempt. On the contrary, multiple High Courts have clarified that *Girish Deshpande* applies only to sensitive and confidential aspects of a public servant's service record—not to routine employment information. Therefore, reliance on *Girish Deshpande* in the present context is wholly misplaced and legally untenable.

It is respectfully submitted that the three information items sought relate directly to service records, public employment, and official functioning within a government-aided educational institution. These records are created for public purposes, maintained by a public authority, and inherently connected with public accountability. As such, they do not fall within the protective ambit of Section 8(1)(j), either textually, contextually, or jurisprudentially. Consequently, the information is not exempt from disclosure, and the SPIO's attempt to invoke Section 8(1)(j) is contrary to the RTI Act, defeats Section 4's transparency mandate, and violates the binding ratio laid down by the Hon'ble Supreme Court and various High Courts. The denial made on this basis must therefore be rejected outright by this Hon'ble Commission.

Supreme Court – *Subhash Chandra Agrawal v. Office of CJI* (2019) 16 SCC 808 (Constitution Bench)

“Public servants have a reduced sphere of privacy. Information relating to discharge of public duties must be disclosed unless it infringes privacy without any public interest.”

Application:

The information sought relates ONLY to discharge of public duty by a teacher in a government-aided school.

Therefore, Section 8(1)(j) does not apply.

Supreme Court – Bihar PSC v. Saiyed Hussain Abbas Rizwi (2012) 13 SCC 61

“Service records, appointment and promotion details cannot be treated as personal.”

Application:

This directly covers the Appellant’s RTI. FAA’s Finding No. 3 is therefore illegal.

#### MISUSE OF GIRISH CHANDRA DESHPANDE CASE

It is respectfully submitted that the First Appellate Authority’s reliance upon the judgment of the Hon’ble Supreme Court in *Girish Chandra Deshpande v. Central Information Commissioner & Ors.* (2013) 1 SCC 212 is grossly erroneous, legally untenable, and amounts to a fundamental misapplication of law. The ratio decidendi of *Girish Deshpande* is narrow, specific, and confined exclusively to a small class of highly sensitive personal records such as Annual Confidential Reports (ACRs), integrity assessments, property returns, and disciplinary or vigilance proceedings—all of which contain intimate, evaluative, or confidential assessments about a public servant’s character, integrity, or personal behaviour. The Supreme Court held that disclosure of such material would amount to unwarranted invasion of privacy. Crucially, the Court did not extend this protection to routine service information or official duty-related records of public servants. Therefore, the FAA’s invocation of *Girish Deshpande* to shield ordinary public employment information is legally misconceived and unsustainable.

In the present case, the Appellant has not sought access to ACRs, confidential integrity reports, property statements, disciplinary inquiry findings, medical records, family details, or any other category of information that falls within the privacy shield contemplated in *Girish Deshpande*. Instead, the RTI application sought only three specific items of routine service-related information concerning the public duties of a teacher in a government-aided school—information that does not encroach upon the

private domain of an individual but pertains entirely to public activity. By wrongly invoking *Girish Deshpande*, the FAA equated innocuous public duty-related records with deeply confidential personal materials protected under the narrow domain of privacy jurisprudence. This conflation is factually incorrect, legally untenable, and contrary to the principle that exemptions under the RTI Act must be construed strictly and narrowly.

Moreover, subsequent judgments of the Hon'ble Supreme Court and multiple High Courts have clarified the limited scope of *Girish Deshpande* and have repeatedly held that service-related information—such as appointment details, service history, qualification verification, posting orders, attendance records, and other official employment data—cannot be treated as “personal information” under Section 8(1)(j). The Constitution Bench in *Subhash Chandra Agrawal v. Office of the CJI* (2019) 16 SCC 808 held that public servants “enjoy a reduced sphere of privacy with respect to matters strictly concerning the discharge of their public duties.” Similarly, in *Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi* (2012) 13 SCC 61, the Supreme Court expressly held that service records and employment-related documents of public servants do not automatically fall within the category of personal information exempt under Section 8(1)(j). These authoritative rulings categorically displace the FAA's incorrect application of *Girish Deshpande*.

This position has further been reinforced by the Delhi High Court in *UPSC v. R.K. Jain* (2012), where the Court clarified, that *Girish Deshpande* does not apply to routine service particulars. The Court held that appointment records, service postings, and tenure details of public servants are matters of public duty and therefore not exempt. Likewise, the Bombay High Court in *Shalaka Verma v. State of Maharashtra* (2018) held that teachers in public institutions perform statutory duties affecting the public and thus their service particulars must be disclosed under RTI. These judgments collectively establish an unbroken judicial line affirming that *Girish Deshpande* cannot be used to shield ordinary service-related information of public officials.

Consequently, the FAA's reliance on *Girish Chandra Deshpande* in the instant matter constitutes a classic example of legal misdirection and non-application of mind. The FAA applied a judgment intended for highly confidential personal documents to standard public employment records, which do not fall within the privacy domain. Such erroneous application defeats the transparency mandate of the RTI Act, violates Section 4(1)(b)'s duty of proactive disclosure, and amounts to a jurisdictional error. The misapplication of *Girish Deshpande* is therefore not merely a minor interpretational defect but a serious legal infirmity that vitiates Finding No. 3 of the FAA's order completely and renders the order liable to be set aside in its entirety.

## JUDICIAL PROCEEDINGS DO NOT BAR RTI DISCLOSURE

FAA's Finding No. 2 is legally indefensible.

It is respectfully submitted that the reliance placed by the First Appellate Authority on the supposed existence of "judicial proceedings" as a ground for denial is wholly misconceived, legally untenable, and contrary to binding precedent of the Hon'ble Supreme Court of India. The RTI Act, 2005 is a self-contained, independent statutory mechanism operating under the guarantee of Article 19(1)(a) of the Constitution, and disclosure obligations cannot be suspended or diluted merely because some alleged litigation is said to exist. The Supreme Court in *CBSE v. Aditya Bandopadhyay* (2011) 8 SCC 497 has categorically held that the pendency of any proceeding—civil, criminal, administrative, disciplinary, or otherwise—does not, and cannot, restrict the right to information, and that RTI operates independently of all other legal forums. Similarly, the Hon'ble Delhi High Court in *Bhagat Singh v. CIC* (2007) 162 DLT 498 declared that RTI is not subservient to any pending litigation and cannot be curtailed on account of inter-party disputes. The Central Information Commission in *Rakesh Kumar Singh v. Lok Sabha Secretariat* (2007) has likewise held that the existence of litigation cannot be used as a shield to deny information.

Most critically, there exists no judicial proceeding of any nature—civil, criminal, writ, or otherwise—pertaining to the RTI application, the subject-matter of the information sought, or the public authority involved. The First Appellate Authority has not identified, cited, or referred to any case number, court name, cause title, subject matter, forum, or legal context to substantiate the alleged pendency of proceedings. The finding is therefore wholly unsubstantiated, factually baseless, unsupported by any material on record, and consequently manifestly arbitrary and legally infirm. Even assuming, without admitting, that some unrelated dispute exists between private individuals, the law is clear that such disputes have no bearing whatsoever on the statutory duty to disclose information. The RTI Act contains no exemption for "pendency of litigation," and the FAA's attempt to invent a non-existent statutory exemption amounts to a colourable exercise of power.

The FAA's Finding No. 2 therefore stands in direct violation of the principles laid down in *State of Uttar Pradesh v. Raj Narain* (1975) 4 SCC 428 (right to know), *S.P. Gupta v. Union of India* (1981 Supp SCC 87) (transparency in public affairs), and the Constitution Bench ruling in *Subhash Chandra Agrawal* (2019) (RTI as an instrument to ensure accountability). The finding is constitutionally impermissible, statutorily unsupported, jurisprudentially rejected, and factually incorrect. It renders the entire appellate order arbitrary, perverse, and liable to be set aside in toto by this Hon'ble Commission."

## OFFICE MEMORANDUM OF 14 AUGUST 2013 HAS NO STATUTORY VALUE

It is respectfully submitted that the First Appellate Authority's reliance upon an Office Memorandum dated 14.08.2013 is wholly misconceived, ultra vires the statutory scheme of the RTI Act, 2005, and constitutionally impermissible. An Office Memorandum is an executive instruction, not a law, and has no statutory force unless expressly authorised by an Act of Parliament. The Hon'ble Supreme Court in *Union of India v. R. Gandhi* (2010) 11 SCC 1 held unambiguously that "executive instructions cannot override statutory mandates," and reiterated that where Parliament has enacted a complete code, administrative circulars cannot curtail or dilute rights created by statute. Likewise, in *P.R. Deshpande v. Maruti Balaram Haibatti* (2009) 2 SCC 90, the Supreme Court reaffirmed that Office Memoranda are merely internal guidelines lacking any legal enforceability and cannot substitute, amend, or restrict statutory provisions. The RTI Act is a self-contained code enacted to operationalize the fundamental right under Article 19(1)(a), and its disclosure regime is governed strictly by Sections 3, 4, 7, 8, 11, 18, 19 and 20—not by executive circulars.

The FAA, by elevating an Office Memorandum above the statutory framework and Supreme Court jurisprudence, committed a jurisdictional error and acted contrary to Article 141, which mandates that all authorities are bound by the law declared by the Supreme Court. No Office Memorandum—whether central or state—can create an exemption not found in Section 8 or Section 9 of the RTI Act, nor can it dilute the narrow interpretation of exemptions mandated in *CBSE v. Aditya Bandopadhyay* (2011) 8 SCC 497. The FAA's reliance on the said O.M. therefore amounts to applying a non-statutory, non-binding, and legally irrelevant executive instruction to negate a statutory right. Such reliance is per se arbitrary (*Maneka Gandhi v. Union of India*, 1978), contrary to the rule of law, and renders the impugned order dated 04.12.2024 legally void. The invocation of an Office Memorandum, in the face of a Parliamentary statute and binding Supreme Court authority, is ultra vires the RTI Act and cannot stand scrutiny under any permissible standard of administrative legality.

## (THIRD-PARTY PROCEDURE) NOT FOLLOWED

It is respectfully submitted that the SPIO's denial of information is rendered wholly illegal, void and unsustainable owing to his complete and categorical non-compliance with the mandatory third-party procedure prescribed under Section 11 of the Right to Information Act, 2005. Section 11(1) explicitly mandates that where the information sought "relates to or has been supplied by a third party and has been treated as confidential," the Public Information Officer is duty-bound to issue a written notice to such third party within five days of receipt of the RTI request, furnish a copy of the RTI

application, invite objections within ten days, and thereafter conduct a statutory balancing exercise between the third party's privacy interests and the overarching public interest underlying disclosure. This procedure is mandatory, and not optional. In the present matter, the SPIO did not issue any notice, did not communicate the RTI application to the alleged third party, did not invite objections, did not consider any representation, and did not undertake any balancing test whatsoever. This constitutes a total abdication of statutory duty and a violation of the principles of natural justice, thereby vitiating the impugned refusal in its entirety.

The legal requirement of strict compliance with Section 11 has been emphatically upheld by the Hon'ble Delhi High Court in *Arbind Prasad v. CIC* (2012 SCC OnLine Del 4594), where the Court held that "failure to follow the mandatory procedure under Section 11(1) vitiates the entire process of decision-making and invalidates the refusal of information." The Court further clarified that the third-party procedure is not a mere formality but a substantive safeguard built into the RTI Act to prevent arbitrary denial. Non-compliance with Section 11 therefore renders the PIO's decision ultra vires the Act. The principle laid down in *Arbind Prasad* has been consistently reaffirmed in subsequent decisions including *UOI v. Shivnarayan* (Delhi HC, 2011), where the Court held that non-issuance of notice under Section 11 is a jurisdictional defect that goes to the root of the matter. In addition, the Supreme Court's constitutional jurisprudence in *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 and *Mohinder Singh Gill v. Chief Election Commissioner* (1978) 1 SCC 405 requires that administrative decisions affecting rights must be taken in adherence to procedural fairness and statutory safeguards; failure to comply with such safeguards automatically renders the decision arbitrary under Article 14 and void in law.

In the instant case, the SPIO's unilateral and mechanical invocation of the "third-party" exemption without following any of the mandatory statutory steps under Section 11 reveals a complete non-application of mind and amounts to a colourable exercise of power. No notice was issued, no hearing was afforded, no objections were solicited, and no public interest outweighing calculation was undertaken. The impugned denial is therefore procedurally defective, substantively unconstitutional, and legally non est (as if never passed). It stands vitiated on multiple independent grounds: violation of Section 11, violation of Section 7(8) (absence of reasons), violation of Section 19(5) (burden of proof), and violation of the principles of natural justice. Accordingly, the refusal of information by the SPIO is null, void, and liable to be set aside in its entirety by this Hon'ble Commission.

**BURDEN OF PROOF VIOLATED – SECTION 19(5)**

It is respectfully submitted that the SPIO's refusal is rendered wholly illegal and unsustainable due to a complete violation of Section 19(5) of the Right to Information Act, 2005, which explicitly provides that "the onus to justify the denial shall lie on the Central Public Information Officer or the State Public Information Officer." This statutory burden is mandatory, non-delegable, and forms the cornerstone of the RTI regime. The Hon'ble Supreme Court of India in *CBSE v. Aditya Bandopadhyay* (2011) 8 SCC 497 held that exemptions under Section 8 must be strictly interpreted and that the public authority must discharge its burden by offering cogent, credible, and legally sustainable reasoning. In *Union of India v. Vishwas Bhamburkar* (Delhi HC, 2013), the Court ruled that failure to provide justification under Section 19(5) renders the denial per se illegal. In the present case, the SPIO has offered no reasoning, no legal analysis, no public interest evaluation, and no factual basis for invoking Section 8(1)(j) or any other exemption. The First Appellate Authority compounded this illegality by mechanically affirming the denial without examining the SPIO's failure to discharge the statutory burden. Consequently, the denial stands vitiated on constitutional grounds under Article 14 and statutory grounds under Section 19(5), making it legally void and unsustainable.

#### PUBLIC INTEREST OVERRIDE MANDATES DISCLOSURE

Without prejudice to the foregoing submissions, even assuming arguendo that Section 8(1)(j) is attracted—which is denied—the proviso to Section 8(1)(j) mandates disclosure where "the larger public interest justifies the disclosure." The statutory language is unequivocal: once larger public interest is established, the exemption collapses. The Hon'ble Supreme Court of India in *Subhash Chandra Agrawal v. Office of the CJI* (2019) 16 SCC 808 held that public interest in transparency is paramount in matters involving public servants. Further, in *Rajasthan Public Service Commission v. Ramesh Chandra Sharma* (2018) 1 SCC 453, the Supreme Court emphasized that transparency in educational institutions and public employment is a matter of profound public importance. The functioning, qualifications, service integrity, and service records of teachers in government-aided institutions have a direct nexus with public welfare, the constitutional mandate under Article 21A (Right to Education), and the broader public interest in ensuring accountability in the education system. Thus, even if Section 8(1)(j) were assumed to apply—which is emphatically denied—the public interest override would mandate disclosure. The failure of both SPIO and FAA to apply or even consider this mandatory statutory test renders their orders arbitrary, unreasonable, and unconstitutional.

FAA's "REASONED ORDER" MUST BE SET ASIDE

The impugned Reasoned Order dated 04.12.2024 issued by the FAA is liable to be quashed as it suffers from grave errors of law, errors of fact, and jurisdictional infirmities. The FAA has failed to provide a reasoned order as required under Section 7(8) and Section 19(6) of the RTI Act. The order is non-speaking, devoid of statutory analysis, and fails to address the specific grounds raised in the appeal. It improperly relies on irrelevant considerations such as alleged “judicial proceedings,” which, as demonstrated, have no bearing under the RTI Act and are contrary to *CBSE v. Aditya Bandopadhyay* (2011). It misapplies the judgment in *Girish Chandra Deshpande v. CIC* (2013) 1 SCC 212, which protects confidential ACRs and disciplinary integrity assessments—not routine service information. It suppresses mandatory statutory provisions such as Section 11 (third-party notice), Section 19(5) (burden of proof), and Section 8(1)(j) proviso (public interest test). It fails to acknowledge that no Office Memorandum or circular was identified, cited, or placed on record. Finally, the FAA’s approach violates the doctrine of reasoned decisions as laid down in *Mohinder Singh Gill v. CEC* (1978) 1 SCC 405 and *Siemens Engineering v. Union of India* (1976) 2 SCC 981. For all these reasons, the FAA’s order is arbitrary, perverse, ultra vires, and constitutionally impermissible under Article 14 and must be set aside in toto.

#### COMPULSION FOR DISCLOSURE OF INFORMATION UNDER SECTION 19(8)(a)(i)

It is respectfully submitted that this Hon’ble Commission is vested with broad remedial powers under Section 19(8)(a)(i) of the RTI Act to “direct the public authority to provide access to information.” The statutory power is supervisory, corrective, and mandatory in nature. The Hon’ble Central Information Commission and various High Courts have consistently held that when an SPIO has acted arbitrarily, mechanically, or in contravention of statutory procedure, the Commission is obligated to order disclosure. In the instant case, the information sought is: (i) not covered by any exemption under Section 8 or 9, (ii) of clear and demonstrable public importance, especially given its nexus with public education and public employment, and (iii) wrongfully and malafidely withheld in violation of Sections 7, 8, 11, and 19(5). Disclosure is therefore not merely permissible but statutorily compelled. Accordingly, this Hon’ble Commission ought to direct the SPIO to furnish all three information items within a reasonable time frame—preferably within 7 days—as mandated by the controlling statutory scheme and constitutional jurisprudence

#### MANDATORY PENALTY UNDER SECTION 20

It is respectfully submitted that the conduct of the SPIO, and the subsequent complicity of the FAA, squarely attracts the mandatory penalty contemplated under Section 20(1) of

the Right to Information Act, 2005. Section 20(1) employs the imperative statutory expression “shall impose,” thereby eliminating any discretion once the conditions enumerated therein are fulfilled. Penalty becomes compulsory when information is denied without reasonable cause, when false or extraneous grounds are invoked, when statutory procedures—such as the mandatory Section 11 third-party notice—are disregarded, when a non-speaking order is issued contrary to Section 7(8), when the statutory obligations under Sections 4, 8, and 19(5) are suppressed, or when the conduct of the public authority obstructs the citizen’s statutory right to information. Every one of these violations is independently present in the instant case. The SPIO failed to issue the Section 11 notice, failed to discharge the statutory burden under Section 19(5), failed to provide reasons as required under Section 7(8), invoked a wholly non-existent and unsubstantiated ground of “pending litigation,” and acted contrary to the constitutional transparency mandate embedded in Article 19(1)(a). Instead of rectifying these grave defects, the FAA mechanically endorsed them, thereby exhibiting institutional arbitrariness and compounding the illegality.

The Hon’ble Supreme Court of India in *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 held that administrative action must be “right, just and fair,” and any arbitrary or unreasonable exercise of statutory power violates Article 14. In *Siemens Engineering v. Union of India* (1976) 2 SCC 981, the Court held that administrative authorities must issue reasoned orders, and failure to do so renders such orders arbitrary, unconstitutional, and void. The conduct of the SPIO and FAA—marked by absence of reasons, suppression of statutory duties, and reliance on baseless assertions—falls squarely within the category of arbitrary State action prohibited by the highest constitutional standards. Once arbitrariness, procedural violations, and mala fide intent are established, the imposition of penalty ceases to be discretionary and becomes obligatory under Section 20(1).

Section 20(1) prescribes a penalty of ₹250 per day of unlawful delay or wrongful denial, subject to a statutory ceiling of ₹25,000, which is the maximum penalty that can be imposed in a single case. The Hon’ble Central Information Commission has consistently held in cases such as *Om Prakash v. Department of Posts* (CIC, 2010) and *Rakesh Kumar Gupta v. DTC* (CIC, 2009) that once mala fide denial, failure to follow statutory procedure, or deliberate obstruction is established, the Commission has no discretion to waive or dilute the statutory penalty. The Delhi High Court in *Kishan Lal v. CIC* (2009) reaffirmed that penalty is mandatory where the SPIO “fails to show reasonable cause” for non-compliance. In the present case, the SPIO has shown no cause at all, let alone a “reasonable cause,” and has engaged in repeated, deliberate, and unjustified statutory violations. Accordingly, the statutory maximum penalty of ₹25,000 stands fully warranted.

Furthermore, Section 20(2) empowers this Hon'ble Commission to recommend disciplinary proceedings under the applicable service rules. The repeated violations of the RTI Act, the mechanical confirmation of illegality by the FAA, the suppression of statutory provisions, and the fabrication of a false ground of "pending litigation" demonstrate clear mala fide and culpable negligence warranting such disciplinary action.

In view of the wilful, deliberate and mala fide violations committed by the SPIO, this Hon'ble Commission is most respectfully prayed to impose the statutory maximum penalty of ₹25,000 under Section 20(1) of the RTI Act, and to recommend disciplinary action under Section 20(2), as the denial is without reasonable cause and in blatant violation of statutory duties.

Given the mandatory language of Section 20, the binding Supreme Court jurisprudence on fairness, accountability, and reasoned administrative action, and the egregious statutory contraventions evident on the record, the imposition of penalty is not merely appropriate—it is inevitable and legally imperative.

#### RELIEFS SOUGHT

In light of the foregoing facts, statutory violations, and binding judicial principles, it is most respectfully submitted that the Appellant is entitled to the exercise of this Hon'ble Commission's powers under Section 19(8) and Section 20 of the Right to Information Act, 2005. The impugned First Appellate Authority's Order dated 04.12.2024 suffers from grave jurisdictional errors, suppression of statutory mandates, non-application of mind, and reliance on irrelevant considerations, rendering it arbitrary, perverse, and unconstitutional. This Hon'ble Commission, acting as the statutory guardian of the citizen's fundamental right to information under Article 19(1)(a) of the Constitution, is therefore prayed to allow the present Second Appeal, set aside the FAA's order, and exercise the powers vested in it under Section 19(8)(a)(i) to direct the SPIO to furnish all three information items forthwith, within a time-bound period not exceeding seven (7) days, ensuring that the illegality of the denial does not continue to prejudice the Appellant.

It is further submitted that this Hon'ble Commission, under Section 20(1), is statutorily mandated to impose penalty where information has been denied without reasonable cause, where mala fide is evident, or where statutory procedures have been consciously violated. The conduct of the SPIO attracts each of these conditions, and therefore warrants the imposition of the statutory maximum penalty of ₹25,000, as recognized in *Kishan Lal v. CIC* (Delhi HC, 2009) and reiterated in a consistent line of Central Information Commission precedents. The SPIO's actions—characterized by false

grounds, non-speaking orders, suppression of Section 11 and Section 19(5), and reliance on non-existent judicial proceedings—constitute deliberate obstruction under Section 20(1). Furthermore, under Section 20(2), this Hon'ble Commission is empowered to recommend disciplinary action against the SPIO for persistent dereliction of statutory duties, and such recommendation is warranted in the present matter considering the mala fide and institutional arbitrariness exhibited throughout.

In addition, in exercise of the powers under Section 19(8)(a)(iv), this Hon'ble Commission may be pleased to issue appropriate advisories or binding directions to the Respondent Public Authority to ensure that systemic violations, such as mechanical denials, misuse of exemptions, non-compliance with Section 11, and non-speaking orders, do not recur. Such directions have been upheld as essential to ensure future compliance and reinforce the transparency mandate of the Act, consistent with the Supreme Court's emphasis on administrative fairness in *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 and *S.P. Gupta v. Union of India* (1981 Supp SCC 87).

Finally, given the unjustified denial, the prolonged harassment, procedural irregularities, and the arbitrary hardship inflicted upon the Appellant, this Hon'ble Commission is also prayed to award appropriate costs under its inherent powers to compensate for the prejudice suffered due to the illegal refusal of information. Such award is consistent with the principles laid down in *Bhagat Singh v. CIC* (Delhi HC, 2007), where the Court recognized that wrongful denial of information warrants compensatory measures. In view of the statutory scheme, constitutional mandate, and judicial precedents, the Appellant humbly prays that this Hon'ble Commission may grant all consequential reliefs deemed just, proper, and necessary to uphold the rule of law and restore the Appellant's fundamental right to information.

PENALTY DEMAND UNDER SECTION 20 OF THE RTI ACT, 2005

IN	THE	MATTER	OF:
Bratati	Mukhopadhyay	—	Appellant
v.			
State Public Information Officer, School Education Department — Respondent			

SUBJECT: Prayer for Mandatory Penalty Under Section 20(1) & Disciplinary Action Under Section 20(2) of the Right to Information Act, 2005.

#### STATUTORY BASIS FOR PENALTY

Section 20(1) of the Right to Information Act, 2005 mandates that this Hon'ble Commission shall impose penalty where:

Information is denied without reasonable cause;

A false, misleading, or extraneous reason is given;

Statutory procedures, such as Section 11 third-party notice, are violated;

A non-speaking order is issued in violation of Section 7(8);

The SPIO fails to discharge the burden of proof under Section 19(5);

There is obstruction of the requester's statutory right.

The statutory language "shall impose" leaves no discretion once ingredients are satisfied.

Section 20(1) prescribes:

₹250 per day of delay, subject to

Maximum ₹25,000.

The penalty attaches to the SPIO personally, not the public authority.

#### GROUND FOR MANDATORY PENALTY IN THIS CASE

Upon examination of the record, the following violations stand conclusively established:

##### Denial Without Reasonable Cause

The SPIO provided no legally tenable justification for refusal. False ground of "pending litigation" was invented though no such litigation exists.

##### Violation of Section 11 (Third-Party Procedure)

No notice was issued, no objections sought, no balancing test undertaken. This is a jurisdictional defect.

Delhi High Court — Arbind Prasad v. CIC (2012):

"Failure to follow Section 11 procedure vitiates the refusal."

### Non-Speaking Order in Violation of Section 7(8)

The denial order contains no reasons, no statutory analysis, no public interest test, and is a template sentence.

Supreme Court — Siemens Engineering v. UOI (1976):

“Failure to give reasons renders an administrative order arbitrary and unconstitutional.”

### Violation of Section 19(5) (Burden of Proof)

The SPIO did not even attempt to justify the denial.

Delhi High Court — Vishwas Bhamburkar (2013):

“Failure to justify denial under Section 19(5) renders denial illegal.”

### Misuse of Girish Chandra Deshpande

A judgment protecting ACRs and integrity assessments was misused to block routine service information.

### False Grounds (Judicial Proceedings)

FAA found “pending litigation,” although no such case was cited, identified, or exists.

### Suppression of Statutory Mandates

Sections 11, 19(5), 7(8), and the proviso to Section 8(1)(j) were ignored.

### Obstruction of the Appellant’s Right

By giving false and extraneous reasons, the SPIO obstructed a fundamental right under Article 19(1)(a).

## 3. SUPREME COURT GUIDING PRINCIPLES

Maneka Gandhi v. Union of India (1978) 1 SCC 248

Administrative action must be fair, reasonable, and non-arbitrary.  
The SPIO and FAA have acted arbitrarily and unfairly.

CBSE v. Aditya Bandopadhyay (2011) 8 SCC 497

Denial of information must meet strict statutory tests.  
No such test was applied.

Raj Narain (1975) 4 SCC 428

Right to know is a constitutional right; restrictions must be statutory.  
No statutory exemption exists here.

Submitted Respectfully,  
*Bratati Mukhopadhyay* 23.02.2026  
Bratati Mukhopadhyay

63/1, Vidyasagar Road, Bondhu Mahal Club,  
P.O. – Nabagram, Konnagar,  
P.S. – Uttarpara, District – Hooghly,  
Pin – 712246, West Bengal

Copy forwarded to:

The SPIO,  
Office of the Sub-Inspector of Schools & Circle Level Resource Centre (PE),  
Chanditala Circle,  
P.O. – Chanditala, District – Hooghly, Pin – 712702

The SPIO,  
Chakundi Primary School  
Chanditala Circle  
Department of Primary Education  
Hooghly District; Ward No. 1, Dankuni  
Dankuni Municipality  
Hooghly, West Bengal  
PIN: 712310

The First Appellate Authority,  
Office of the District Inspector of Schools (PE),  
Hooghly, Pipulpati,  
Pin – 712103

## Hearing Notice



### WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban

11A, Mirza Galib Street Kolkata-700 087

Phone No. (033)2252-0509,(033)2252-0501

Website: www.wbic.wb.gov.in | E-mail: scic-wb@nic.in

Memo No. 699-WBIC/RTI/A/100171/175/2026

DATE : 10/02/2026

#### NOTICE FOR HEARING OF APPEAL

APPEAL No: 100171 of 2026

Appellant(s):	Respondent(s):	Appellate Authority:	
<b>BRATATI MUKHOPADHYAY</b> 63/1, Vidyasagar Road, Bondhu Mahal Club, P.O.:Nabagram, Konnagar , PS:Uttarpara, Dist. - Hooghly, Pin - 712246 West Bengal,HOOGHLY,712246	<b>SPIO :</b> 1. The SPIO Office of the Sub-Inspector of Schools & Circle Level Resource Centre(PE), Chanditala Circle, P.O.- Chanditala, Dist: Hooghly, Pin-712702 Email : chanditalaprimary@gmail.com	The First Appellate Authority, Office of the District Inspector of Schools(PE), Hooghly, Pipulpati, Pin-712103	
Date of RTI	Date of reply,if any,of SPIO	Date of 1st Appeal made,if any	Date of order,if any,of First AA
22-06-2024	22-10-2024	12-11-2024	-

1. Take notice that the above appeal/complaint in respect of RTI application dated 22-06-2024 filed by the appellant/complainant has been listed for hearing before **Hon'ble State Information Commissioner Ms. Sanchita Kumar** at Venue **VC Address** on **05-03-2026 at 11:30 AM**.

2.The appellant/complainant may present his/her case(s) in person or through his/her duly authorized representative either in physical mode or in virtual mode, as may be suitable to him / her. Details of link for joining in virtual mode are given below.

3.The Public Authorities may attend the hearing physical mode or in virtual mode, as per convenience.

(a) SPIO should personally join the hearing; if for a compelling reason(s) he/she is unable to be present, he/she has to give reasons for the same and shall authorise an officer not below the equivalent rank of SPIO , fully acquainted with the facts of the case **and bring complete file/file(s)**

---

with him.

(b) If the SPIO attending the hearing before the Commission does not happen to be the concerned SPIO, it shall still be his/her responsibility to ensure that the SPIO(s) concerned must attend **with complete file concerning the RTI request**, the hearing along with him.

**4. All the parties may submit their written submission, if any, to the Commission at least 7 days before the date of hearing. A copy of the same shall be served upon opposite party. If any party wishes to make online submission, the same may be sent to the Commission's link only viz., <https://www.wbic.wb.gov.in/online-link-paper-compliance/add>**

5. SPIO is also directed to inform the third party, if any, so as to enable it to defend or present its case before the Commission. Third Party may choose to be present before the Commission either in person or through its duly authorized representative for hearing, or they may also file a written submission to the Commission before the hearing.

6. The authorised representative or the officer of the public authority and the appellant/complainant/third party is advised to carry a "proof of identity" **along with the authorization letter.**

7. Take notice that in default of your appearance on the time and date mentioned aforesaid, the case shall be heard and decided in your absence **and that there will be no adjournment and review.**

8. The parties concerned should reach the venue at least 30 minutes before the scheduled time of hearing. They are also requested to intimate their telephone/mobile numbers and email address to the undersigned.

**9. The Above noted hearing will be held in Conference Hall 2 in the first floor of the old Building of the West Bengal Information Commission.**

10. The concerned appeal / complaint file can be accessed or downloaded from the 'Cause List' available at the Commission's website [www.wbic.wb.gov.in](http://www.wbic.wb.gov.in) link to the cause list is <https://wbic.wb.gov.in/cause-list-report-web/registry-cause-list/1>

You can download your specific document directly by filling up the required fields in categories.

11. Instruction for those who join virtually:

- a. All the participants of the instant hearing are hereby instructed to keep their device on mute mode before joining;
- b. When any participant wants to make any submission, he/she will raise his/her hand on the app;
- c. The participant shall un-mute the device only when permitted by the WBIC;
- d. Violation of the above will be treated as a creation of disturbance in the hearing process.

12. The concerned appeal / complaint file can be accessed or downloaded from the 'Cause List' available at the Commission's website [www.wbic.wb.gov.in](http://www.wbic.wb.gov.in) link to the cause list is <https://wbic.wb.gov.in/cause-list-report-web/registry-cause-list>. You can download your specific document directly by filling up the required fields in categories.

---

**Venue for the hearing**  
**Venue for the Appellant/Complainant**

**Venue : Khadya Bhawan, 11 A, Mirza Ghalib Street,, Kolkata-700087**

**Venue for SPIO 1**

**Link for virtual hearing through Google Meet : <http://meet.google.com/wus-qobe-hwd>**

Reference number of SPIO Reply(if any) :

-

Memo No: 699-WBIC/RTI/A/100171/175/2026

DATE : 10/02/2026

Sd/-

**Bijon Chakraborty**  
**Law Officer**

Copy Forward To

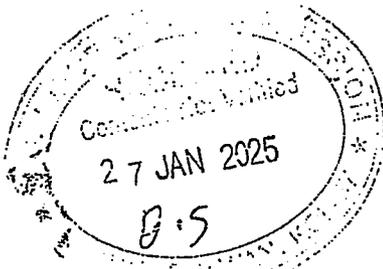
1. SPIO's, Public Authority  
I-The SPIO, Office of the Sub-Inspector of  
Schools & Circle Level Resource Centre(PE),  
Chanditala Circle, P.O.- Chanditala, Dist:  
Hooghly, Pin-712702 Email :  
chanditalaprimary@gmail.com
2. Appellant/Complainant

BRATATI MUKHOPADHYAY

63/1, Vidyasagar Road, Bondhu Mahal Club,  
P.O.: Nabagram, Konnagar, PS: Uttarpara, Dist.  
- Hooghly, Pin - 712246, West  
Bengal, HOOGHLY, 712246

3. Appellate Authority

The First Appellate Authority, Office of the  
District Inspector of Schools(PE), Hooghly,  
Pipulpati,  
Pin-712103



100/71/ (A)  
28/01/2025




**ভারত সরকার**  
Government of India  
তালিকাভুক্তির আই ডি / Enrollment No.: 0000/00455/75500




Government of India  
AADHAAR

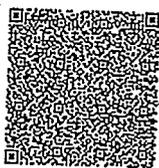
তথ্য

- আধার পরিচয়ের প্রমাণ, নাগরিকত্বের প্রমাণ নয়।
- পরিচয়ের প্রমাণ অনলাইন প্রমাণীকরণ দ্বারা লাভ করুন।

INFORMATION

- Aadhaar is proof of identity, not of citizenship .
- To establish identity, authenticate online .

To  
ব্রতী মুখোপাধ্যায়  
Bratati Mukhopadhyay  
W/O Sourabh Mukhopadhyay  
63/1 Vidyasagar Road  
Bondhu Mahal Club Nabagram  
Konnagar (P)  
Nabagram  
Hooghly  
West Bengal 712246  
87179167  
MD871791675FH

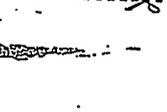


আপনার আধার সংখ্যা / Your Aadhaar No. :

6475 6936 9794

আমার আধার, আমার পরিচয়

- আধার সারা দেশে মান্য।
- আধার ভবিষ্যতে সরকারী ও বেসরকারী পরিষেবা প্রাপ্তির সহায়ক হবে।
- Aadhaar is valid throughout the country .
- Aadhaar will be helpful in availing Government and Non-Government services in future .

**ভারত সরকার**  
Government of India  
ব্রতী মুখোপাধ্যায়  
Bratati Mukhopadhyay  
পিতা : সত্যব্রত চ্যাটার্জী  
Father : SATYABRATA CHATTERJEE  
তথ্যতারিখ / DOB : 30/08/1985  
মহিলা / Female

6475 6936 9794

আমার আধার, আমার পরিচয়



**ভারত সরকার**  
উদ্ভিদ পরিচয় প্রমাণীকরণ  
উদ্ভিদ পরিচয় প্রমাণীকরণ  
উদ্ভিদ পরিচয় প্রমাণীকরণ  
উদ্ভিদ পরিচয় প্রমাণীকরণ

ঠিকানা:  
সৌরভ মুখোপাধ্যায়, 63/1,  
বিদ্যাসাগর রোড, বন্ধু মহল ক্লাব,  
নবগ্রাম, কোন্নগর, হুগলী,  
পশ্চিম বঙ্গ, 712246

Address:  
W/O Sourabh Mukhopadhyay,  
63/1, Vidyasagar Road, Bondhu  
Mahal Club, Nabagram, Konnagar  
(P), Nabagram, Hooghly, West  
Bengal, 712246

6475 6936 9794

1947  
help@uidai.gov.in  
www.uidai.gov.in

Bratati Mukhopadhyay

## Speed Post

24.01.2025

To

The State Chief Information Commissioner,

West Bengal Information Commission,

11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

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<u>Enclosure</u>			
2.	Application under R.T.I. Act 2005 Mousumi Adhikari (Chatterjee), The Public Information Officer and/or Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, Hooghly District, Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West Bengal, Pin: 712310; Mob: 9163033593 By the applicant Bratati Mukhopadhyay	22.06.2024	01
3.	Transfer of Application u/s 6(3) of R.T.I. Act 2005 on 28.06.2024, Vide Memo No: Nil, Dated: 28.06.2024 to Kishor Karmakar, The Sub-Inspector of Schools and/ or Public Information Officer, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702, Mob: 8016887993	28.06.2024	02

*Bratati Mukhopadhyay*

4.	Memo No C/141 was issued, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly,	03.09.2024	03
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9	Decision number CIC/SB/A/2015/000516 dated 20.12.2016	20.12.2016	13-15
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*Bratati Mukhopadhyay*

**2<sup>nd</sup> APPEAL BEFORE WEST BENGAL INFORMATION COMMISSION**

**U/S 19(3) OF THE R.T.I. Act, 2005**

**DATED: 24.01.2025**

**(Vide Circular No. 337 Dated 18.01.2017)**

To

The State Chief Information Commissioner,  
West Bengal Information Commission,  
11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

1. **Name of the Applicant** : BRATATI MUKHOPADHYAY  
(Enclosed ID Aadhaar Card)
2. **Address to Correspondence** : 63/1, Vidyasagar Road,  
P.O: Nabagram; Dist: Hooghly,  
P.S: Uttarpara, Pin: 712246  
Ph No: 9874033856
3. **Date of filing of the Application for  
Information Under R.T.I. Act' 2005** : 22.06.2024  
(Vide: Rs: 10 IPO No: 23 F 079522)
4. **Name of State Public Information Officers** :

i. Mousumi Adhikari (Chatterjee),  
The Public Information Officer and/or Head of the Institution,  
Chakundi Primary school, Chanditala Circle, Dept. of Primary Education,  
Hooghly District, Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West  
Bengal, Pin: 712310; Mob: 9163033593

Transfer of Application u/s 6(3) of R.T.I. Act 2005 on 28.06.2024, Vide Memo  
No: Nil, Dated: 28.06.2024 to Kishor Karmakar

ii. Kishor Karmakar,  
The Sub-Inspector of Schools and/ or Public Information Officer  
Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702,  
Mob: 8016887993

5. Gist of the information sought for

- i. Person Concerned : Rajeswari Ganguly  
No. 19, Vivekananda Road, Nabagram,  
Hooghly. Ph no: 8617745418,  
9804372399
- ii. Office /  
Institute of the person : Asst. Teacher,  
Chakundi Primary School, Chanditala  
Circle, Dept. of Primary Education,  
Hooghly District,  
Ward No-I, Dankuni, Dankuni  
Municipality, Hooghly, West Bengal,  
Pin: 712310

Information Required:

- i. Date of joining of Rajeswari Ganguly at the said Institution.
- ii. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- iii. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022 till date (22.06.2024)

6. Response Received: (Enclosed Self Attested Copies)

- i. Transfer of Application u/s 6(3) of R.T.I. Act 2005 to The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 by The Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education on 28.06.2024.
- ii. Memo No C/141 was issued, not accordance with and/ or in gross violation of the law in terms of stipulated time period to reply as per u/s 7(1) of R.T.I. Act 2005, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly,

Asst. Teacher, Chakundi Primary School, Chanditala Circle, Dept. of Primary Education, specifying u/s 11 of R.T.I. Act 2005.

- iii. Memo No C/157 dated 22.10.2024 was issued by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 stated that Rajeswari Ganguly, A.T of Asst. Teacher, Chakundi Primary School, Chanditala Circle, "she at all does not want to disclose any of the information" of the R.T.I Application dated 22.06.2024 as per u/s 8(J) of the R.T.I Act 2005 mentioned in the Chapter -II under Rule 8 (Exemption from disclosure of Information)
- iv. 1<sup>st</sup> Appeal under R.T.I. Act 2005 u/s 19 (1) was made on 12.11.2024 by the applicant herein.
- v. Memo No. 1004/PE/ HLY/ L dated 19.11.2024 was issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority for Hearing on 27.11.2024.
- vi. Written Submission dated 02.12.2024 in pursuance of the Hearing dated 27.11.2024 as it is instructed to submit a Written Submission by the said FAA. Annexed with the Reference Decision No: CIC/SB/A/2015/000516 dated 20.12.2016.
- vii. "Reasoned Order" vide Memo No: 1062/1(5)/PE/HLY/R.T.I. dated 04.12.2024 has been issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority.

7. Date of Filing 1<sup>st</sup> Appeal : 12.11.2024  
(Enclosed Self Attested Copy)

8. Authority to whom the first appeal was made with address:

- i. The First Appellate Authority,  
Office of Hooghly District Inspector of Schools (Primary Education)  
Pankhatuli Road, Pipulpati,  
Dist.- Hooghly, P.O: -Hooghly, Pin Code: 712103

Fees Paid: Rs 10/ IPO NO: 08F 303721  
Rs 10/ IPO NO: 08F 303722  
Rs 10/ IPO NO: 08F 303723  
Rs 10/ IPO NO: 08F 303724  
Rs 10/ IPO NO: 08F 303725

9. Decision of the 1<sup>st</sup> Appellate Authority, including Memo Number and Date of Order:  
(Enclosed Self Attested Copy)

i. Reasoned Order Memo No: 1062/1(5)/PE/HLY/RTI; Dated: 04.12.2024

10. Grounds for 2<sup>nd</sup> Appeal and the relief sought:

The following Information are Urgently Required:

- i. Date of joining of Rajeswari Ganguly at the said Institution.
- ii. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- iii. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022 till date (22.06.2024)

11. In connection all above the Humble Submission before Second Appellate Authority with the Supporting References/ Memos/ Orders.

I, the undersigned applicant, being aggrieved by the "Reasoned Order" dated 04.12.2024 issued by The First Appellate Authority who is the District Inspector of Schools (P.E), Hooghly in the Office of Hooghly District Inspector of Schools (Primary Education) Pankhatuli Road, Pipulpati, Dist.- Hooghly, P.O: -Hooghly, Pin Code: 712103, which is unlawful, preoccupied, prejudiced order to suppress the actual truth and transparency of the information of an Asst. Teacher, namely Rajeswari Ganguly, a public servant, withing the meaning of Sec 21 of the IPC, under Chanditala Circle, Dept. of Primary Education. The FAA had taken the wrong stand of the Head of the Institution, Chakundi Primary school and Sub Inspector of Schools, Chanditala Circle, Hooghly respectively by sitting tight over the matter.

That, the primary object of the Right to Information Act, 2005 is to entitle the citizens of India to secure access to the information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority and/or public servant. Hence, after considering the object of the Act I, being the citizen of India is very much entitled pertaining to the questions envisaged in my application dated 22.06.2024 as Smt. Rajeswari Ganguly being public servant is duly accountable with respect to her work to the public or citizens of India and being a citizen of India, this Right to Information Act, 2005 bestowed upon me to seek the information without any hindrance and with the specific legal provision as there is no legal process is going on, before any court of law, on this very specific required information and/ or matter.

That, the competent PIO including The FAA erred in holding tight that the information sought by me, were "third party information" and as Smt. Rajeswari Ganguly was unwilling to disclose any of the information asked in my application dated 22.06.2024. The authorities concerned rejected my said application under Section 8 (1) (j) of the Right to Information Act, 2005 as "personal information," but in my humble estimation, the competent authorities ought to have held that each and every information which I sought in my RTI Application dated 22.06.2024 was relating to the official work of Smt. Rajeswari Ganguly which tantamount to the official information and not personal information as alleged by Smt. Rajeswari Ganguly and that is unlawfully patronized by the the FAA.

Besides that, the Section 8 (1) (j) of the Right to Information Act, 2005 bars the personal information discloser of which has no relationship to any public activity or interest. But in this context the information which I sought has every connection involving the public activity or public interest and the competent authority below ought to have held my application involves larger public interest pertaining to the future of a number of school students of Chakundi Primary School situated at Chakundi, D.C.C. Hooghly. Resultantly, the aforementioned public interest justifies the discloser of information depicted in my application.

That, I would like to draw your kind consideration on the decision number CIC/SB/A/2015/000516 dated 20.12.2016 and it was held in point no. 6 that the denial of information regarding duty roaster and details about the leave of public servant, except the reasons for leave, is not a personal information and further the same relates to public activity or interest. From the above discussion it can be safely argued that information regarding duty roaster and leave records of Smt. Rajeswari Ganguly is not lying under the category of personal

information as I did not seek any reason for her leave and further the same relates to public activity and/or interest.

Per contra, Smt. Rajeswari Ganguly provided one decision which had been erroneously interpreted by the FAA and taking cover of the decision number CIC/SM/A/2013/000058 dated 26.06.2013, now if we minutely consider the point no. 4 it will be revealed from line no. 18 that the sentence starting from the word "the information.....and ending on... those complaints" is categorically out of the context of the present case as in that case the appellant therein sought information regarding some complaints against a Govt. Official and the possible actions the authority might have taken on those complaints and which is a totally different, non-identical information which the appellant therein sought and thereby the referred decision which Smt. Rajeswari Ganguly provided and the FAA biasedly accepted, which is not at all applicable in this present case rather the latest decision which I provided is actually on the same context of the instant case.

That, the statement given by the PIO and/or FAA, that the details of how information has been supplied and also commented that the information had been sought for "Private Purpose only" is not accepted by CIC/SIC in furnishing information under RTI Act but the FAA refused to serve the public information by displaying different dimension or to be precise rejecting the same as "typical personal interest" of the information sought for under R.T.I. Act.

Decision No. CIC/NALCO/A/2017/131601, dated 15.02.2018, The Information Commissioner unambiguously established in his order that "leave/attendance record of a public servant conveys information regarding her availability for duty and hence, relates to public activity. In view of this, the information sought is disclosable under the RTI Act. The Commission, therefore, directs the respondent to provide the information sought vide point no. 4 of the RTI application by the appellant, after severing that part of information which would result in disclosure of reasons/purpose of leave which is a third party personal information and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005, within a period of four weeks from the date of receipt of a copy of this order." This instant matter is quite similar with the referred decision.

That, The Central Information Commission, New Delhi File No. CIC/SM/A/2015/002235 Right to Information Act-2005 stated that "the Appellant seeks a copy of the attendance record of Smt. Prabhavati S. Vadli from May 2011 till the date of her transfer in 2014. This information cannot be regarded as the personal information of an employee of the public authority. Therefore, Section 8 (1) (j) is not applicable in this case. Further, Section 8 (1) (e) is also not

applicable as the disclosure of the information will not result in breach of any fiduciary relationship. The attendance record of a public servant should be a matter of public record. Therefore, we see no ground for denial of the information sought by the Appellant." This instant matter is also quite similar with the referred decision.

That, The FAA and PIO delinquently made desperate drive to suppress the matter/ information sought for, on the Appeal under R.T.I Act dated 22.06.2024, whereas there is definite legal mandate to provide such information within the stipulated period and that is to be stated when the Appellant and the Respondent person concerned are involved in any judicial proceeding on different, separate, independent issues, it does not produce absolute prerogative to a particular respondent/ PIO/ FAA from disclosure of any information what the specific law/ provision of R.T.I Act imposed on a public servant.

That, the FAA most hilariously referred about several WhatsApp chats with me and my husband with the respondent person concerned, and that is also a matter of contradiction to reveal the required information and it would be appropriate for me not to comment over the unreasonable, counterfeit statement recorded in a Reasoned Order dated 04.12.2024.

That, the FAA, a District Inspector by his designation, is sitting tight over the matter under mala fide intention and tried to misrepresent and mislead the SLP (C) No. 27734 of 2012 (@ CC 14781/ 2012) by configuring the part of the whole order. The entire order copy is enclosed herewith for ready reference where there is no impediment, restriction to disclose the information which is categorically sought for in instant case and that is undoubtedly not qualified to be personal information of a public servant.

Therefore, from the above contentions, it is expedient and necessary for ends of justice to provide me all the information which I sought in my application dated 22.06.2024, otherwise, I will be highly prejudiced and will suffer from irreparable peril and predicaments.

**12. Prayer for Penalties Proceeding of the Concerned Authorities and Compensation As per Under Section 19(8)(b) & 20(1), (2) of the RTI Act.**

**The Monetary Penalty and/ or Compensation of at least Rs. 50,000/ (fifty thousand only) and the Severest Disciplinary Action under the Service Rules Applicable against the SPIO and the FAA ought to be Imposed as:**

1. Unlawfully denied the request for furnished information, knowingly given incorrect, incomplete or misleading information by The Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, vide Memo No: Nil dated 28.06.2024.
2. Not furnished the requested information within 30 days of receiving the application vide Memo No C/141 was issued, not accordance with and/ or in violation of the law in terms of stipulated time period to reply as per u/s 7(1) of R.T.I. Act 2005, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly
3. Knowingly given incorrect, incomplete or misleading information vide Reasoned Order vide Memo No: 1062/1(5)/PE/HLY/R.T.I. dated 04.12.2024 has been issued by The District Inspector of Schools (P.E), Hooghly and First Appellate Authority.

Declaration

I, Bratati Mukhopadhyay, daughter of Sree Satyabrata Chatterjee, aged 39, being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission.

Place: *Nabagram, Hooghly.*  
Date: *24/01/2025.*

*Bratati Mukhopadhyay.*  
Signature of the appellant.

"Speed Post"  
Application under R.T.I. Act 2005

To  
The Public Information Officer and/or Head of the Institution,  
Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, Hooghly District  
Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West Bengal, Pin: 712310

1. Full Name of the Applicant : BRATATI MUKHOPADHYAY
2. Address to Correspondence : 63/1, Vidyasagar Road, P.O: Nabagram;  
Dist: Hooghly, P.S: Uttarpara, Pin: 712246  
Ph No : 9874033856
3. Person Concerned & her Residential address : RAJESWARI GANGULY  
19, VIVEKANANDA ROAD, NABAGRAM,  
HOOGHLY. PH NO: 8617745418, 9804372399
4. Office / Institute of the Person : CHAKUNDI PRIMARY SCHOOL, CHANDITALA  
CIRCLE, DEPT. OF PRIMARY EDUCATION,  
HOOGHLY DISTRICT  
WARD NO-I, DANKUNI, DANKUNI  
MUNICIPALITY, HOOGHLY, WEST BENGAL,  
PIN: 712310
5. Application Submission Date : 22.06.2024
6. Forms of Information are required:
  - I. Date of joining of Rajeswari Ganguly at the said Institution.
  - II. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
  - III. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January/2022. till date
7. Details of the fee paid, annexed: Rs 10/ IPO NO: 23F 079522  
Sd/- 22.06.2024

Signature of the applicant with date

Section 6(3) in The Right to Information Act, 2005

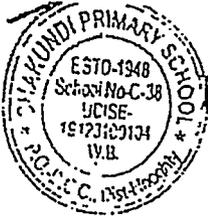
(Where an application is made to a public authority requesting for an information, (i) which is held by another public authority; or (ii) the subject matter of which is more closely connected with the functions of another public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application)

A photocopy of this application is forwarded to:

Shri Virendra, IPS (Retd.)  
State Chief Information Commissioner  
West Bengal Information Commission  
11 A, Mirza Galib Street, Khadya Bhaban, Kolkata-700 087

*Self. Attested*  
*Bratati Mukhopadhyay*  
*admit.*

*Bratati Mukhopadhyay*



# চাকুন্দি প্রাথমিক বিদ্যালয়

চাকুন্দি ডি. সি. সি., হুগলী  
সি-৩৮

Annexure - 2

তারিখ 28/06/2024

পত্র নং Nil

From : The Head Teacher  
Chakundi Primary School,  
Chakundi, D.C.C., Hooghly  
Pin : 712310

To : The Sub-Inspector of Schools  
Circle : Chanditala  
Chanditala, Hooghly  
Pin : 712702

Sub. : Transfer of application under section 6(3) of R.T.I. Act, 2005 in connection with the R.T.I. application of BRATATI MUKHOPADHYAY.

Respected Sir,

This is to inform you that I received R.T.I. application on 25/06/2024 made by Bratati Mukhopadhyay seeking some information which are given below.

- 1) Date of joining of Rajeswari Ganguly.
- 2) Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- 3) Photocopy of Attendance Register of precisely Rajeswari Ganguly ( for Teachers) since January'2022 till date.

Subsequently after going through the application I found that the Sub-Inspector of Schools, Chanditala Circle is the competent authority for disposal of the said application. Therefore, the application is hereby transferred under section 6(3) of R.T.I. Act, 2005 to your kind perusal and necessary action.

Yours faithfully,

Mousumi Adhikari (Chatterjee)  
28/06/2024  
Head Teacher  
Chakundi Primary School  
(C-38)

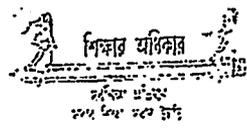
Copy forwarded for her information to :

Bratati Mukhopadhyay,

Address : 63/1, Vidyasagar Road, P.O.- Nabagram, District : Hooghly, P.S.- Uttarpara, Pin : 712246

Self Attested  
Bratati Mukhopadhyay  
28/10/24

Bratati Mukhopadhyay



GOVT. OF WEST BENGAL



OFFICE OF THE SUB-INSPECTOR OF SCHOOLS  
&  
CIRCLE LEVEL RESOURCE CENTRE

CHANDITALA CIRCLE  
P.O.-CHANDITALA, DIST.-HOOGHLY

Memo. No. CI 141  
From

Date: 03.09.2024

The SPIO & Sub-Inspector of Schools,  
Chanditala Circle  
Hooghly.

To  
Rajeswari Ganguly, Asst. Teacher  
Chakundi Primary School  
Chakundi, Dankuni, 712310, Chanditala Circle, Hooghly, W.B.

Ref: RTI application of Bratafi Mukhopadhyay, dated 22.06.2024 and

Memo No. NIL dated 28.06.2024 of SPIO & Head Teacher, Chakundi Primary School, Chakundi, Chanditala Circle, Hooghly.

In Terms of Section-11 of the RTI Act 2005, you are hereby noticed whether you intends to disclose the informations by submitting written declaration in respect of supplying the following informations which are required by Bratafi Mukhopadhyay, 63/1, Vidyasagar Road, P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W,B.

1. Date of Joining of Rajeswari Ganguly at the said institution.
2. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
3. Photocopy of Attendance Register of precisely Rajeswari Ganguly( for Teachers) at the said institution since January 2022 to till date( 22.06.2024).

SPIO & *(Signature)*  
03/09/24

Sub-Inspector of Schools  
Chanditala Circle, Hooghly  
Date: 03.09.2024

Memo. No. CI 141/1(2)

Copy forwarded for information to:

1. The SPIO & Head Teacher, Chakundi Primary School, Chakundi, Chanditala Circle, Hooghly.
- ✓ Bratafi Mukhopadhyay, 63/1, Vidyasagar Road, P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W,B.

SPIO & *(Signature)*  
03/09/24

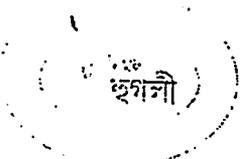
Sub-Inspector of Schools  
Chanditala Circle, Hooghly.

Sub-Inspector of S.  
Chanditala Circle  
Chanditala, Hooghly.

Self Attested  
*(Signature)*

Bratafi Mukhopadhyay

4



শিক্ষা সঞ্চিকার  
হুগলী জেলা

OFFICE OF THE SUB-INSPECTOR OF SCHOOLS  
&  
CIRCLE LEVEL RESOURCE CENTRE  
CHANDITALA CIRCLE  
P.O.-CHANDITALA, DIST. - HOOGHLY

Memo. No. C/157

Date: 22.10.2024

From  
The SPIO & Sub-Inspector of Schools,  
Chanditala Circle  
Hooghly.

To  
Bratati Mukhopadhyay, 63/1, Vidyasagar Road,  
P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W.B.

Ref: RTI application of Bratati Mukhopadhyay, dated 22.06.2024 and Memo No. NIL dated 28.06.2024 of SPIO & Head Teacher, Chakundi Primary School, Chakundi, Chanditala Circle, Hooghly and Memo No. C/141 dated 03.09.2024 of the SPIO & Sub-Inspector of Schools, Chanditala Circle, Hooghly.

In reply to the Notice of the SPIO & Sub-Inspector of Schools (PE), Chanditala Circle, Hooghly Vide Memo No. C/141 dated 03.09.2024, Rajeswari Ganguly, A.T of Chakundi Primary School has clearly informed to the Office of the undersigned in her letter dated 11.09.2024 that she at all does not want to disclose any of the information which are asked by Bratati Mukhopadhyay ( a third party herein) in her RTI application dated 22.06.2024 as per the Section 8(J) of the RTI act 2005, mentioned in the Chapter-II under Rule-8 ( Exemption from disclosure of information).

Hence, it is not possible to disclose any of the information which were asked for by Bratati Mukhopadhyay, 63/1 Vidyasagar Road, P.O- Nabagram, Dist- Hooghly, P.s- Uttarpara, Pin- 712246, W.B. in her RTI application dated 22.06.2024 by the undersigned.

*Kannan*  
22/10/24

SPIO  
&  
Sub-Inspector of School  
Chanditala Circle  
Chanditala, Hooghly.

11

*Bratati Mukhopadhyay*

## "Speed Post"

First Appeal under R.T.I. Act 2005 u/s 19 (1); Dated 12.11.2024

[Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a State Public Information Officer, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the State Public Information Officer in each public authority:

Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.]

1. The First Appellate Authority,  
Office of Hooghly District Inspector of Schools (Primary Education),  
Pankhatuli Road, Pipulpati,  
Dist.- Hooghly, P.O:-Hooghly, Pin Code :- 712103

The Memo of Appeal was made under Right to Information Act 2005 on 22.06.2024 to The Public Information Officer to the office of the Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education, Hooghly District, Ward no-I, Dankuni, Dankuni Municipality, Hooghly, West Bengal, Pin: 712310 in the following manner. (Annexure 1)

1. Full Name of the Applicant : BRATATI MLKHOPADHYAY
2. Address to Correspondence : 63/1, Vidyasagar Road, P.O: Nabagram;  
Dist: Hooghly, P.S: Uttarpara, Pin: 712246  
Ph No : 9874033856
3. Person Concerned : Rajeswari Ganguly  
D/O Dilip Kumar Ganguly  
19, Vivekananda Road, Nabagram, Hooghly.  
Ph no: 8617745418, 9804372399
4. Office / Institute of the person : Asst. Teacher,  
Chakundi Primary School, Chanditala

*Bratati Mukhopadhyay*

Circle, Dept. of Primary Education, Hooghly District  
Ward No-I, Dankuni, Dankuni Municipality,  
Hooghly, West Bengal,  
Pin: 712310

5. R.T.I Application Date was : 22.06.2024

6. Details of the fees paid, annexed : Rs 10/ IPO NO: 23F 079522

7. Forms of Information were required from SPIO:

- I. Date of joining of Rajeswari Ganguly at the said Institution.
- II. Photocopy of Leave Record of Rajeswari Ganguly since her joining.
- III. Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said Institution since January'2022 till date (22.06.2024)

8. References in the above matter vide Right to Information Act 2005 Application on 22.06.2024; the following Memos (I, II, III) have been issued by the concerned authorities:

I. Transfer of Application u/s 6(3) of R.T.I. Act 2005 to The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 by The Head of the Institution, Chakundi Primary school, Chanditala Circle, Dept. of Primary Education on 28.06.2024. (Annexure 2)

II. Memo No C/141 was issued, not accordance with and/ or in violation of the law in terms of stipulated time period to reply as per u/s 7(1) of R.T.I. Act 2005, on dated 03.09.2024 by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 to Rajeswari Ganguly, Asst. Teacher, Chakundi Primary School, Chanditala Circle, Dept. of Primary Education, specifying u/s 11 of R.T.I. Act 2005.

(Annexure 3)

III. Memo No C/157 dated 22.10.2024 was issued by The Sub-Inspector of Schools, Chanditala Circle, P.O: Chanditala; Dist: Hooghly, Pin 712702 stated that Rajeswari Ganguly, A.T of Asst. Teacher, Chakundi Primary School, Chanditala Circle, "she at all does not want

*Bratati Mukhopadhyay*

to disclose any of the information" of the R.T.I Application dated 22.06.2024 as per u/s 8(J) of the R.T.I Act 2005 mentioned in the Chapter -II under Rule 8 (Exemption from disclosure of Information) (Annexure 4)

IV. Decision No CIC/ SB/ A/ 2015/ 000516 dated 20.12.2016 read with Point No 6 it is decided by Sudhir Bhargava, Information Commissioner, Central Information Commission, New Delhi - 110066 "The Commission further observes that denial of information regarding duty roster and the details about the leave of public servant, except the reason for leave, is not a personal information and further the same relates to public activity/ interest." That is authenticated as true copy by S. C. Sharma, Designated Officer. (Annexure 5)

V. Information of action taken to informant on completion of investigation by station officer regarding Uttarpara P.S. Case No. 265/2024 dated 26.06.2024 u/s (Criminal Section) 419/ 506/500/386 IPC and 66B / 72 I.T Act against the accused Rajeswari Ganguly, which case is finally reported as Charge Sheet vide Uttarpara PS C/S No 310/ 2024 dated 23.09.2024 u/s (Criminal Section) 419/ 506/500/386 IPC and 66B / 72 I.T Act and therefore in connection with West Bengal Primary Education (Conduct of Service) Rules, 2001 Govt. of WB; Depart. Of School Education, Primary Br. No. 906-SE(Pry.), Date: 09.07.2001 Notification, read with Point No. 7. (1/ b) A Primary School Council may place a teacher under suspension "Where a case of any criminal offense involving moral turpitude against the teacher is under investigation or trial." and whereas the accused lady is released on bail from August' 2024 (Annexure 6)

VI. Memo No: 4322- SW/ O/MIS-03/2020 (Part-II) dated 08.07.2024 by Govt. of W.B Women & Child Development & Social Welfare Department, Bikash Bhawan. (Annexure 7)

Therefore, in the stated matter the impugned order passed by the concerned authorities mentioned in the above Point No. 8 /I, II, III, being aggrieved, the applicant herein prefers this appeal to First Appellate Authority, Office of Hooghly District Inspector of Schools (Primary Education) Pankhatuli Road, Pipulpati, Dist.- Hooghly, P.O:-Hooghly, Pin Code :- 712103

For that, under such circumstances, your honour is categorically requested as per u/s 7, second paragraph of R.T.I. Act 2005 to provide and / or furnish the much required information asked in the Point No 7 (I, II, III) of this application within the provision of law, at the earliest, after receipt of this appeal, as this information concerns the life and liberty of

*Bratati Mukhopadhyay*

the applicant and family of the applicant, as it is strongly apprehended that the said A.T, Rajeswari Ganguly of such Primary School used to sign the Teachers' Attendance Register on those days when she remained absent in school. That fraudulent practice has been going on for years and the accused A.T practices her criminal activities.

9. Verification by the Applicant : I attest that all the information in this application is true and correct to best of my knowledge.

10. Details of the fees paid, annexed : Rs 10/ IPO NO: 08F 303721  
Rs 10/ IPO NO: 08F 303722  
Rs 10/ IPO NO: 08F 303723  
Rs 10/ IPO NO: 08F 303724  
Rs 10/ IPO NO: 08F 303725

Nabagram- Hooghly

*Boratati Mukhopadhyay 12/11/24*  
Signature of the Applicant with Date

Enclosure: As State Above.



*Boratati Mukhopadhyay.*

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati, P.O. & Dist: Hooghly, Pin: 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No :- 1004 | PE | HLY | L

Date - 19/11/24

From : The District Inspector of Schools  
&  
The First Appellate Authority  
Office of the District Inspector of Schools (PE), Hooghly  
Pipulpati, Dist - Hooghly, Pin - 712103.

To : Bratati Mukhopadhyay  
63/1, Vidyasagar Road, P.O : Nabagram, Dist - Hooghly  
Pin : 712246.

Sub : Hearing notice.

Ref : Your RTI application dt. 12.11.2024 received by this office on 18.11.2024.

With reference and subject matter as mentioned above, you are requested to attend a hearing which will be scheduled to be held on 27.11.2024 (Wednesday) at 02.00 PM in the chamber of the DI/S(PE), Hooghly, Pipulpati, Hooghly as a part of disposal of first appeal under RTI Act, 2005 u/s 19(1).

Hence you are requested to attend the said hearing on the stipulated date & time in person positively.

*[Signature]*

District Inspector of Schools (PE), Hooghly  
&

The First Appellate Authority  
Office of the District Inspector of Schools (PE), Hooghly

Memo No : 1004 | 1(3) | PE | HLY | L  
Copy forwarded to :

Date : 19/11/24

1. Rajeswari Ganguly, D/o. Dilip Kumar Ganguly, 19, Vivekananda Road, Nabagram, Hooghly, Mob No. 8617745418, with a request to attend the Hearing on that date & time without fail.
2. The SPIO & The Sub Inspector of Schools, Chanditala circle with a request to attend the Hearing with all related documents on that date & time without fail and to communicate the person concerned and the Head Teacher of the concerned school as well.
3. The SPIO & The Head Teacher, Chakundi primary School, Chanditala Circle with a request to attend the Hearing with all documents relating to the queries of the RTI appeal.

*[Signature]* 19/11/24

District Inspector of Schools (PE), Hooghly  
&

The First Appellate Authority

*Bratati Mukhopadhyay*

From:  
 Bratati Mukhopadhyay, (Teacher)  
 Aadhar No. 6475 6936 9794  
 63/1 Vidyasagar Road,  
 Nabagram, Hooghly, Pin: 712246; Ph: 9874033856

Date: 02.12.2024

To  
 The First Appellate Authority

&

District Inspector of Schools (Primary Education), Hooghly,  
 Pankhatuli Road, Pipulpati,  
 Dist.- Hooghly, P.O: -Hooghly, Pin Code: - 712103

INSTRUMENT NO. 4705 (N) DATED 02/12/2024  
 HOOGHLY SD (712231)  
 Counter No: 02/12/2024, 12:41  
 To: DISTRICT INSPECTOR, OF SCHOOLS  
 PIN: 712103, Hooghly SD  
 From: BRATATI MUK, NABAGRAM  
 Wt: 50gms  
 Amt: ₹1.50, Tax: ₹6.30, Amt. Paid: ₹4.00 (Cash)  
 Track on www.indiapost.gov.in  
 Dial 18002664868 (Wear Masks, stay Safe)

Sub: Written Submission in connection with the Hearing which was scheduled on 27.11.2024 at 02.00 P.M in the Chamber of of the District Inspector of Schools (Primary Education), Hooghly  
Memo No: 1004/PE/HLY/L dated 19.11.2024 issued by The First Appellate Authority and District Inspector of Schools (Primary Education), Hooghly, Pankhatuli Road, Pipulpati, Dist.- Hooghly, P.O: -Hooghly.

Sir,  
 I, the undersigned person, being aggrieved by the order of the SPIO and Sub Inspector of Schools, Chanditala Circle, Hooghly dated 22/10/2024, have preferred the above referred appeal before you and thereafter I was asked to attend the hearing of the above referred appeal on 27/11/2024. In pursuance of that I attended the hearing on 27/11/2024 and in course of hearing you asked me to submit a Written Submission for and on behalf of myself, hence I am to submit the instant Written Submission before you on the following score:

1. That the object of the Right to Information Act, 2005 is to entitle the citizens of India to secure access to the information under the control of public authorities, in order to promote

*Bratati Mukhopadhyay.*

transparency and accountability in the working of every public authority and/or public servant. Hence, after considering the object of the Act I, being the citizen of India is very much entitled pertaining to the questions envisaged in my application dated 22/06/2024 as Asst. Teacher of Chakundi Primary School, Chakundi, Chanditala Circle Rajeswari Ganguly being Public authority/servant is accountable with respect to her work to the public or citizens of India and being a citizen of India this Right to Information Act, 2005 bestowed upon me the authority to seek the information without any hindrance.

2. That the competent authority below i.e. the SPIO and Sub Inspector of Schools, Chanditala Circle, Hooghly erred in holding that the information sought by me, were third party information and as Smt. Rajeswari Ganguly was unwilling to disclose any of the information asked in my application dated 22/06/2024 the authority concerned rejected my said application under Section 8 (1) (j) of the Right to Information Act, 2005 as personal Information, but in my humble estimation, the competent authority below ought to have held that each and every information which I sought in my RTI Application dated 22/06/2024 was relating to the official work of Smt. Rajeswari Ganguly which tantamount to the official information and not personal information as alleged by Smt. Rajeswari Ganguly.
3. That Section 8 (1) (j) of the Right to Information Act, 2005 bars the personal information discloser of which has no relationship to any public activity or interest. But in this context the information which I sought has every connection involving the public activity or public interest and the competent authority below ought to have held my application involves larger public interest pertaining to the future of a number of school students of Chakundi Primary School situated at Chakundi, D.C.C. Hooghly. Resultantly, the aforementioned public interest justifies the discloser of information depicted in my application.

*Bratati Mukhopadhyay*

That I along with the instant Written Submission enclosing decision number CIC/SB/A/2015/000516 dated 20/12/2016 and it was held in point no. 6 that the denial of information regarding duty roaster and details about the leave of public servant, except the reasons for leave, is not a personal information and further the same relates to public activity or interest. From the above discussion it can be safely argued that information regarding duty roaster and leave records of Smt. Rajeswari Ganguly is not lying under the category of personal information as I did not seek any reason for her leave and further the same relates to public activity and/or interest. Per contra, Smt. Rajeswari Ganguly provided one decision being number CIC/SM/A/2013/000058 dated 26/06/2013, now if we carefully consider the point no. 4 it will be revealed from line no. 18 that the sentence starting from the word "information.....and ending on... those complaints" is out of the context of the present case as in that case the appellant therein sought information regarding some complaints against a Govt. Official and the possible actions the authority might have taken on those complaints and which is a totally different information which the appellant therein sought and thereby the referred decision which Smt. Rajeswari Ganguly provided you is not at all applicable in this present case rather the decision which I provided is actually on the same context of the instant case.

Therefore, from the above contention it is expedient and necessary for ends of justice to provide me all the information which I sought in my application dated 22/06/2024, otherwise, I will be highly prejudiced and will suffer irreparable loss and injury.

Thanking You,

Yours Sincerely,

(Bratati Mukhopadhyay)

Date: 02.12.2024

Enclosure: Decision Number CIC/SB/A/2015/000516 dated 20/12/2016

*Bratati Mukhopadhyay*

**CENTRAL INFORMATION COMMISSION**  
 2<sup>nd</sup> Floor, August Kranti Bhawan,  
 Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000516  
 Dated 20.12.2016

**Appellant** : Shri Amit Mahalwal,  
 H.No.59, Mehar Chand Building,  
 New Delhi-62.

**Respondent** : The Central Public Information officer,  
 Delhi Police, O/o the DCP,  
 Police Control Room, PCR,  
 Model Town-II, Delhi-110 009.

The Central Public Information officer,  
 Delhi Police, O/o the DCP,  
 Communication, 5, Rajput Road,  
 Delhi-110 054.

**Date of Hearing** : 20.12.2016

**Relevant dates emerging from the appeal:**

RTI application filed on : 15.06.2015  
 CPIO's reply : 29.06.2015/28.07.2015  
 First appeal filed on : 31.07.2015  
 FAA's order : 17.08.2015  
 Second appeal filed on : 31.08.2015

**ORDER**

1. ShriAmit Mahalwal filed an application dated 15.06.2015 under the  
Right to Information Act, 2005 (RTI Act) before the Central Public Information

*Branati Mukhopadhyay -*

Officer (CPIO), Delhi Police Traffic Headquarters seeking information on three points pertaining to details of posting and availing of leave/absence on certain dates by Constable Shri Chand Parkash. The CPIO, Delhi Police Traffic Headquarters vide letter dated 29.06.2015 transferred the RTI application to Police Control Room (PCR Cell), Delhi Police.

2. The appellant filed a second appeal dated 31.08.2015 before the Commission on the grounds that he has been incorrectly denied information by the CPIO as well as the First Appellate Authority (FAA) on the ground that the information sought relates to a third party.

**Hearing:**

3. Both the appellant Shri Amit Mahalwal and the respondent Shri Om Parkash, Sub-Inspector, Ministerial, Delhi Police were present in person.

4. The appellant submitted that he had sought information in respect of duty allocation of one Shri Chand Prakash, Constable, Delhi Police. However, the information sought has been incorrectly denied to him on the ground that the same is personal information of a third party and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act. However, similar information in respect of one Shri Suraj Prakash, Constable, Delhi Police was provided to him in another RTI application dated 15.06.2015 vide letter dated 16.07.2015.

5. The respondent submitted that the information sought relates to personal information of a third party, disclosure of which would invade his privacy and no public interest would be served in disclosure of the said information, therefore, the same is exempted from disclosure under Section 8(1)(j) of the RTI Act. The respondent further submitted that the same was informed to the appellant vide letter dated 28.07.2015.

*Bratati Mukhopadhyay*

**Decision:**

6. The Commission after hearing the submissions of both the parties and perusing the records, observes that the information sought by the appellant relates to the duty roster of one Shri Chand Prakash, Constable, Delhi Police. However, the same was denied by the respondent on the ground of it being a personal information of the individual concerned. The Commission further observes that denial of information regarding duty roster and details about the leave of public servant, except the reasons for leave, is not a personal information and further the same relates to public activity/interest. Hence, the information sought on point nos. 1 and 2 of the RTI application is not exempted under Section 8(1)(j) of the RTI Act. The Commission, therefore, directs the respondent to provide information on point nos. 1 and 2 of the RTI application to the appellant, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations, the appeal is disposed of.

8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)  
Information Commissioner

Authenticated true copy

(S.C. Sharma)  
Designated Officer

*Bratati Mukhopadhyay.*



16

GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati, P.O. & Dist : Hooghly, Pin : 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No :- 1062/1(5)/PE/HLY/RTI

Date – 04.12.2024

OFFICE MEMORANDUM

Reasoned Order :

**Sub :** 1<sup>st</sup> RTI appeal received from Bratati Mukhopadhyay ( Teacher ) , Konnagar High School dated 12.11.2024 to the First Appellate Authority and District Inspector of Schools (PE) , Hooghly .

Date of Hearing : 27.11.2024

Time of Hearing : 02 P.M.

Place : Office Chamber of the DI/S (PE) , Hooghly

Present :

- ✓ 1. Bratati Mukhopadhyay – Appellant
2. Rajeswari Ganguly - A.T. Chakundi Pry. School under Chanditala Circle
3. Mousumi Adhikari ( Chatterjee ) – Head Teacher Chakundi Pry School
4. Kishore Karmakar – SPIO and SI/S , Chanditala Circle dated Hooghly

Background :

1. A RTI application under RTI Act. 2005 was made on 22.06.2024 by Bratati Mukhopadhyay to the Head Teacher , Chakundi Primary School under Chanditala Circle , Hooghly regarding some required informations about Rajeswari Ganguly , A.T. of the said same school . The informations as required / sought were as follows :

- a) Date of joining of Rajeswari Ganguly at the said institution .
  - b) Photocopy of Leave Record of Rajeswari Ganguly since her joining .
  - c) Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said institution since January , 2022 to till date 22.06.2024 .
2. The Head Teacher , Chakundi Pry School had transferred the RTI application to the SPIO and SI/S , Chanditala Circle u/s 6(3) of Right to Information Act. 2005 .
3. The SPIO and SI/S , Chanditala Circle having received the application had issued a letter to the Rajeswari Ganguly about her 'No Objection' regarding disclosure of the required informations u/s 11 of RTI Act. 2005 as the matter are 'third party information' . Having not received ' No Objection ' from Rajeswari Ganguly the SI/S, Chanditala Circle rejected the application vide his office memo no. C/157 dated 22.10.2024 .

Cont ..... 2  
Bratati Mukhopadhyay .

4. Having not received any information from the SPIO and SI/S , Chanditala Circle and also being aggrieved of the fact the appellant filed 1<sup>st</sup> appeal before the , 1<sup>st</sup> Appellate Authority and DI/S (PE) , Hooghly on 12.11.2024 .
5. After perusing the application throughly , the 1<sup>st</sup> Appellate Authority decided to hear the appeal on 27.11.2024 and had taken all submissions and perused submitted documents .

### Findings :

1. During the hearing the appellant informed that she required three informations as specified in the RTI application about the said teacher Rajeswari Ganguly. She explained that those informations do not fall under the jurisdiction of public informations so she expressed that she is entitled to get those informations and she produced an order of Central Information commission dated 20.12.2016 in support of her claim .

Appellant Bratati Mukhopadhyaya requested undersigned to accept the presence of his husband ( Sri Sourabh Mukhopadhyay) and representation on behalf of her in the hearing and one advovate on behalf of her also present during hearing and that was allowed .

Mrs. Bratati Mukhopadhyay also filed an FIR against Mrs. Rajeswari Ganguly, having CR No. 448/2024 at Uttarpara P.S , enclosed in the report of S.I of Schools , Chanditala Circle .

2. The teacher Rajeswari Ganguly also informed that those informations as required by the appellant are obviously related to the 'third party information' and she also produced an order dated 26.06.2013 by Chief Information Commission to uphold her view about non-disclosure of those informations as disclosure of those informations may intrude the privacy of the teacher in the school as well .

At the same time , Mrs. Rajeawari Ganguly filed a court case in the Ld. A.C. J.M, at Serampore Court No. MP-50/2024 under FIR 376/2024 at Uttarpara P.S . and that is at pending stage and in her written submission she enclosed several whatsapp communications with Mrs. Mukhopadhyay and her husband Sourabh Mukhopadhyay.

3. The SPIO & SI/S Schools , Chanditala Circle explained his stands about non-disclosure of those informations referring the section under 8(i) of the RTI Act. 2005 as having no proper authorization from ' third party' as well as H.T. of the said school had taken the stand as like as SPIO .

Cont ..... 3  
 Bratati Mukhopadhyay.

**Decision :**

Being the First Appellate Authority is of the opinion that the present condition of the matter is very serious in nature and the appellant appears to be acted jointly against Mrs. Rajeawari Ganguly under criminal proceedings at the court of law and vice-versa . Two CIC orders submitted by both the parties do not define any ultimate conclusion for its operative nomenclature to follow .

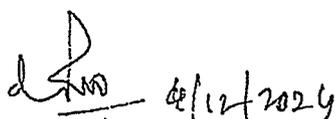
Under this context , procedural action had taken under section 11 (eleven) of RTI Act to deal with third party information matter considering all written submissions and contemporary evidences and under the purview of Section 8 (1) (j) , Chapter -2 and in the light of Supreme Court's order passed in SLP ( C ) 27734 of 2012 , Girish Chandra Deshpande - Vs - Central Information Commission ors. , being first appellate authority, came to the conclusion that the appellant has not succeeded in justifying that three informations sought for is for the larger public interest rather it appears to be a matter which is involved in personal gain or loss and moreover the prayer of appellant and her mode of action are showing the greater interest of her family affairs , resembles typical personal interest .

Informations might not serve the public interest in a true sense . Both the parties are now involved in judicial proceedings , public authority cannot be a part and parcel to be involved in a personal interest of the appellant .

Hence , I am not at all satisfied on the justification of the claim of the appellant and not inclined to entertain the prayer of the appellant to disclose such informations sought for in this instant appeal and the same is dismissed .

All concerned be informed .

Thus the matter is disposed of .

  
District Inspector of Schools (PE)  
Hooghly

Bratati Mukhopadhyay

Central Information Commission, New Delhi  
 File No. CIC/SH/A/2015/002235  
Right to Information Act-2005-Under Section (19)

Date of first hearing : 6th January 2017  
 Date of first order : 6th January 2017  
 Date of second hearing : 15<sup>th</sup> February 2017  
 Date of final order : 15<sup>th</sup> February 2017

Name of the Appellant : SHRI VIJAY N HIEMATH  
 VIDYANAGAR HUNGUND,  
 TQ & POST-HUNGUND,  
 DISTT-BAGALKOT- KARNATAKA - 587118

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,  
 KARNATAKA VIKAS GRAMEENA BANK  
 REGIONAL OFFICE, 2ND FLOOR,  
 PLD BANK BUILDING, 1076, OLD  
 P. B. ROAD, KOLHAPUR CROSS,  
 BELGAUM, KARNATAKA-590016

RTI Application filed on : 18/02/2015  
 CPIO replied on : 27/02/2015  
 First Appeal filed on : 31/03/2015  
 First Appellate Authority order on : 15/04/2015  
 2<sup>nd</sup> Appeal received on : 21/07/2015

Attendance during the hearing on 6.1.2017.

The Appellant was present at the NIC Studio, Bagalkot.

No one was present on behalf of the Respondents.

Attendance during the hearing on 15.2.2017.

The Appellant was present at the NIC Studio, Bagalkot.

On behalf of the Respondents, Shri S. Hegde, CPIO was present at the NIC Studio, Belgaum.

File No. CIC/SH/A/2015/002235

*Boratali Mukhopadhyay*

Information Commissioner : Shri Sharat Sabharwal

**Information sought**

Certified copy of the attendance register of Ms. Prabhavati S. Vadli for the period May 2011 till the date of her transfer in 2014.

**The CPIO reply**

The CPIO denied the information under section 8 (1) (e) & (j) of the RTI Act.

**Grounds of the First Appeal**

Information not exempted from disclosure under Section 8 (1) (e) and (j) of the RTI Act.

**Order of the First Appellate Authority**

The FAA upheld the CPIO's reply.

**Grounds of the Second Appeal**

Information sought not provided. Seeks furnishing of full and correct information free of charge, penal action against the CPIO and award of compensation of Rs. 50,000/- to him.

**Relevant facts emerging during the Hearing, Discussion and Decision**

**Hearing on 6.1.2017**

The Appellant stated that he had sought information regarding the attendance register of Ms. Prabhavati S. Vadli for the period May 2011 till the date of her transfer in 2014. He claimed that the lady is his wife and stated that the information has been denied under Section 8 (1) (e) and (j) of the RTI Act. The Respondents were not present in spite of a written notice having been sent to them. We would like to give an opportunity to the Respondents to make their submissions before taking a decision in this matter. Accordingly, it is adjourned to be heard again on 15<sup>th</sup> February 2017 at 10.30 a.m. through video-conferencing. The Registry is directed to get in touch

*Bratati Mukhopadhyay*

with the Respondents to ensure that they are represented at the next hearing. We would also like to give an opportunity to Ms. Prabhavati S. Vadli to make her submissions, if any, in this matter before a decision is taken by the Commission. Therefore, the CPIO is directed to send a copy of this interim order, immediately on its receipt, to Ms. Prabhavati S. Vadli along with copies of the following documents, by registered post, under intimation to the Commission:-

- (i) RTI application dated 18.2.2015.
- (ii) CPIO's reply dated 27.2.2015.
- (iii) Appeal dated 31.3.2015 to the First Appellate Authority.
- (iv) Order of the First Appellate Authority dated 15.4.2015.
- (v) The appeal dated 14.7.2015 filed by the Appellant to the Commission (copy enclosed).

In case Ms. Prabhavati S. Vadli wishes to make any submissions in the matter, she should be present at the NIC Studio at Belgaum during the next hearing on 15.2.2017. The venue for video-conferencing for the hearing on 15.2.2017 will be as follows:-

For the Appellant

NIC Video Conferencing Studio,  
District Computer Centre, Ground Floor,  
District Office Complex, Navanagar,  
Bagalkot District (Karnataka)

Contact Officer: Shri Mr. Vasappanavara Giriachar (Scientist-e), Contact No. 08354-235084.

For the Respondents and Ms. Prabhavati S. Vadli

NIC District Centre, Ground Floor,  
BDO Building, DC Compound,  
Belgaum- 590001 (Karnataka)

Contact Officer: Shri Mr. Sanjeev R. Kshira Sagar (Scientist-D), Contact No. 0831-2424700/ 2452507.

*Boratali Mukhopadhyay*

Hearing on 15.2.2017

2. The matter came up again today. The Respondents stated that as directed in the interim order dated 6.1.2017, a copy of the interim order and the documents directed to be provided, were sent to Smt. Prabhavati S. Vadli vide the CPIO's letter dated 30.1.2017 and it has been confirmed that the above communication was received by her. However, Smt. Prabhavati S. Vadli was neither present for the hearing today; nor was she represented by anyone.
3. The Respondents stated that the Appellant had sought the personal information of a third party and no larger public interest has been established in this case. They reiterated their decision to deny the information under Section 8 (1) (e) and (j) of the RTI Act.
4. The Appellant stated that Section 8 (1) (e) and (j) are not applicable to the information sought by him. He prayed for provision of the information sought in the RTI application.
5. We have considered the submissions of both the parties. The Appellant seeks a copy of the attendance record of Smt. Prabhavati S. Vadli from May 2011 till the date of her transfer in 2014. This information cannot be regarded as the personal information of an employee of the public authority. Therefore, Section 8 (1) (j) is not applicable in this case. Further, Section 8 (1) (e) is also not applicable as the disclosure of the information will not result in breach of any fiduciary relationship. The attendance record of a public servant should be a matter of public record. Therefore, we see no ground for denial of the information sought by the Appellant.

File No. CIC/SH/A/2015/002235

*Boratali Mukhopadhyay*

Accordingly, the CPIO is directed to provide the information to the Appellant, free of charge, within thirty days of the receipt of this order, under intimation to the Commission. While providing the information, the CPIO should sever / blot out the information, if any, regarding the purpose of leave taken by the employee concerned, since such information could relate to personal issues such as family circumstances etc., exempted from disclosure under Section 8 (1) (j) of the RTI Act.

6. The Appellant has sought penal action against the CPIO and award of compensation of Rs. 50,000/- to him. However, there is nothing on record to establish denial of information by the CPIO out of a malafide intent. Further, the Appellant has not established any loss or detriment suffered by him as a result of denial of information to him by the Respondents. Therefore, there is no case either for penal action against the CPIO or award of any compensation to the Appellant.

7. With the above directions and observations, the appeal is disposed of.

8. Copies of this order be given free of cost to the parties.

Sd/-  
(Sharat Sabharwal)  
Information Commissioner

Copy to: Smt. Prabhavati S. Vadli  
Branch Manager,  
Karnataka Vikas Grameena Bank,  
Madhura Colony Branch,  
Hubballi-580 023

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.

(Vijay Bhalla)  
Deputy Registrar

File No. CIC/SH/A/2015/002235

*Pratati Mukhopadhyay*

) 24

Central Information Commission, New Delhi  
File No.CIC/SM/A/2013/000058  
Right to Information Act-2005-Under Section (19)

Date of hearing : 26/06/2013

Date of decision : 26/06/2013

Name of the Appellant : Sh. Manoj Arya,  
(RTI Activists and Social Worker) 67, Sec-  
12, CPWD Flats, R K Puram, New Delhi  
-110022

Name of the Public Authority : Central Public Information Officer,  
Cabinet Secretariat,  
(Vigilance & Complaint Cell), 2nd Floor,  
Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

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refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.] The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

CIC/SM/A/2013/000058

*Bratati Mukhopadhyay*

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority.

The appeal is rejected.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra)  
Chief Information Commissioner

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.

(Vijay Bhalla)  
Deputy Registrar

RTI Foundation of India

ORDER 1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), National Aluminium Co. Ltd, Human Resource Department, Smelter Plant, Angul Odisha seeking information on ten points including, inter-alia, (i) specific reason why she is not getting Class XI & XII Theory Class and (ii) the reason for writing "involved in unwanted, futile activities and negative thinking" in her Annual Confidential Report (ACR). 2. The appellant filed a second appeal before the Commission on the grounds that that out of 10 points, information has not been provided on any of the points within the stipulated period of 30 days. The appellant stated that incomplete, misleading and malafide denial of information in respect of all ten points has caused her mental torture. The appellant requested the Commission to direct the CPIO to furnish information free of cost under Section 7(6) and to impose penalty on the CPIO under Section 20 of the RTI Act. Hearing: 3. The appellant Dr. Puspalata Rout and the respondent Shri S.S. Panda, DGM, NALCO, Angul attended the hearing through video conferencing. 4. The appellant submitted that certified photocopy of the attendance register pertaining to the Librarian as sought vide point no. 4 of the RTI application has not been furnished. 5. The respondent submitted that point wise information had been provided to the appellant vide letter dated 09.02.2017. The respondent further submitted that the attendance register relating to the Librarian includes personal information of other employees. Hence, copies of the same was not provided to the appellant. Decision: 6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that leave/attendance record of a public servant conveys

*Bratati Mukhopadhyay*

information regarding her availability for duty and hence, relates to public activity. In view of this, the information sought is disclosable under the RTI Act. The Commission, therefore, directs the respondent to provide the information sought vide point no. 4 of the RTI application by the appellant, after severing that part of information which would result in disclosure of reasons/purpose of leave which is a third party personal information and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005, within a period of four weeks from the date of receipt of a copy of this order. 7. With the above observations, the appeal is disposed of. 8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava) Information Commissioner Citation: Dr. Puspallata Rout v. CPIO, National Aluminium Company Ltd. in Decision No. CIC/NALCO/A/2017/131601, dated 15.02.2018

Read more at: <https://www.rtifoundationofindia.com/certified-photocopy-attendance-register-pertaining>

RTI Foundation of India

*Bratati Mukhopadhyay*



सत्यमेव जयते



आधार



ভারত সরকার

Unique Identification Authority of India  
Government of India

তালিকাভুক্তির আই ডি / Enrollment No.: 0000/00455/75500

To  
ব্রততী মুখোপাধ্যায়  
Bratali Mukhopadhyay  
W/O Sourabh Mukhopadhyay  
63/1 Vidyasagar Road  
Bondhu Mahal Club Nabagram  
Konnagar (P)  
Nabagram  
Hooghly  
West Bengal 712246

30/06/2013  
87179167



MD871791675FH



আপনার আধার সংখ্যা / Your Aadhaar No. :

6475 6936 9794

আমার আধার, আমার পরিচয়



ভারত সরকার  
Government of India  
ব্রততী মুখোপাধ্যায়  
Bratali Mukhopadhyay  
পিতা : সত্যব্রত চ্যাটার্জী  
Father : SATYABRATA CHATTERJEE  
জন্মতারিখ / DOB : 30/08/1985  
মহিলা / Female

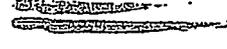


6475 6936 9794

আমার আধার, আমার পরিচয়



Government of India



AADHAAR

তথ্য

- আধার পরিচয়ের প্রমাণ, নাগরিকত্বের প্রমাণ নয়।
- পরিচয়ের প্রমাণ অনলাইন প্রমাণীকরণ দ্বারা লাভ করুন।

INFORMATION

- Aadhaar is proof of identity, not of citizenship .
- To establish identity, authenticate online .

- আধার সারা দেশে মান্য।
- আধার ভবিষ্যতে সরকারী ও বেসরকারী পরিষেবা প্রাপ্তির সহায়ক হবে।
- Aadhaar is valid throughout the country .
- Aadhaar will be helpful in availing Government and Non-Government services in future .



আধার

ঠিকানা:  
সৌরভ মুখোপাধ্যায়, 63/1,  
বিদ্যাসাগর রোড, বন্ধু মহল ক্লাব,  
নবগ্রাম, কোন্নগর, নবগ্রাম, হুগলী,  
পশ্চিম বঙ্গ, 712246

ভারত সরকার  
Unique Identification Authority of India

Address:

W/O Sourabh Mukhopadhyay,  
63/1, Vidyasagar Road, Bondhu  
Mahal Club, Nabagram, Konnagar  
(P), Nabagram, Hooghly, West  
Bengal, 712246

6475 6936 9794



1947



help@uidai.gov.in



www.uidai.gov.in

Bratali Mukhopadhyay

**Hearing on 05-03-2026**

**State Chief Information Commissioner West Bengal < scic-wb@nic.in >**

Tue, 10 Feb 2026 1:15:29 PM +0530

To "chanditalprimary"<chanditalprimary@gmail.com>,"disphooghly"<disp.hooghly@gmail.com>

Please find the attachment, for further details visit our website

West Bengal Information Commission

**1 Attachment(s)**

WBIC-RTI-A-100171-175-2026...

17 KB

W.D.N.O -

Written Submission of Bratati Mukhopadhyay

D.NO-541 (ATR)

12/02/26

Written Submission of Bratati Mukhopadhyay

DI Hooghly < disp.hooghly@gmail.com >

Wed, 11 Feb 2026 5:30:23 PM +0530

To "State Chief Information Commissioner West Bengal" <scic-wb@nic.in>

Please see the attachment .

District Inspector of Schools  
Primary Education, Hooghly

1 Attachment(s)

Brarati Mukhopadhyay.pdf

1.7 MB

Heating Date - 5/3/26

H.SIC - SK

100171/175/2026

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GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati, P.O. & Dist : Hooghly, Pin : 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No :- 95 /PE/ELY/RTI

Date - 11.02.2026

From : The District Inspector of Schools (PE), Hooghly  
& The First Appellate Authority

To : The Hon`ble State Information Commissioner  
West Bengal Information Commission  
Khadya Bhaban , 11A , Mirza Galib Street, Kolkata - 700087

Sub : Written Submission .

Ref : Memo No: 699-WBIC/RTI/A/100171/175 /2026 dated 10.02.2026 .

Background :

That , 1. RTI application under RTI Act. 2005 was made on 22.06.2024 by Bratati Mukhopadhyay to the Head Teacher , Chakundi Primary School under Chanditala Circle, Hooghly regarding some required informations about Rajeswari Ganguly , A.T. of the said same school . The informations as required / sought were as follows :

- a) Date of joining of Rajeswari Ganguly at the said institution .
- b) Photocopy of Leave Record of Rajeswari Ganguly since her joining .
- c) Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said institution since January , 2022 to till date 22.06.2024 .

That , the Head Teacher , Chakundi Pry School had transferred the RTI application to the SPIO and SI/S , Chanditala Circle u/s 6(3) of Right to Information Act. 2005 .

That , the SPIO and SI/S , Chanditala Circle having received the application had issued a letter to the Rajeswari Ganguly about her 'No Objection' regarding disclosure of the required informations u/s 11 of RTI Act. 2005 as the matter are 'third party information' . Having not received 'No Objection' from Rajeswari Ganguly the SI/S, Chanditala Circle rejected the application vide his office memo no. C/157 dated 22.10.2024 .

That , having not received any information from the SPIO and SI/S , Chanditala Circle and also being aggrieved of the fact the appellant filed 1<sup>st</sup> appeal before the , 1<sup>st</sup> Appellate Authority and DI/S (PE) , Hooghly on 12.11.2024 .

That , after perusing the application throughly , the 1<sup>st</sup> Appellate Authority decided to hear the appeal on 27.11.2024 and had taken all submissions and perused submitted documents .

The following findings had been revealed from hearing and the submissions of both the parties as well.

**Findings :**

1. During the hearing the appellant informed that she required three informations as specified in the RTI application about the said teacher Rajeswari Ganguly. She explained that those informations do not fall under the jurisdiction of public informations so she expressed that she is entitled to get those informations and she produced an order of Central Information commission dated 20.12.2016 in support of her claim .

Appellant Bratafi Mukhopadhyaya requested undersigned to accept the presence of his husband ( Sri Sourabh Mukhopadhyay) and representation on behalf of her in the hearing and one advovate on behalf of her also present during hearing and that was allowed .

Mrs. Bratafi Mukhopadhyay also filed an FIR against Mrs. Rajeswari Ganguly, having CR No. 448/2024 at Uttarpara P.S , enclosed in the report of S.I of Schools , Chanditala Circle .

2. The teacher Rajeswari Ganguly also informed that those informations as required by the appellant are obviously related to the 'third party information' and she also produced an order dated 26.06.2013 by Chief Information Commission to uphold her view about non-disclosure of those informations as disclosure of those informations may intrude the privacy of the teacher in the school as well .

At the same time , Mrs. Rajeawari Ganguly filed a court case in the Ld. A.C. J.M, at Serampore Court No. MP-50/2024 under FIR 376/2024 at Uttarpara P.S . and that is at pending stage and in her written submission she enclosed several whatsapp communications with Mrs. Mukhopadhyay and her husband Sourabh Mukhopadhyay.

3. The 'SPIO & SI/S Schools , Chanditala Circle explained his stands about non-disclosure of those informations referring the section under 8(i) of the RTI Act. 2005 as having no proper authorization from ' third party' as well as H.T. of the said school had taken the stand as like as SPIO . (Collectively as Annexure-R1)

**Conclusion :**

Being the First Appellate Authority is of the opinion that the present condition of the matter is very serious in nature and the appellant appears to be acted against Mrs. Rajeawari Ganguly under criminal proceedings at the court of law and vice-versa . Two CIC orders dated 26.06.2013 & 20.12.2016 submitted by both the parties do not define any ultimate conclusion for its operative nomenclature to follow . (Collectively as Annexure-R2)

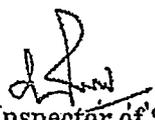
Under this context , procedural action had taken under section 11 (eleven) of RTI Act, 2005, to deal with third party information matter considering all written submissions and contemporary evidences and under the purview of Section 8 (1) (j) , Chapter -2 of RTI Act,2005 and in the light of Hon`ble Supreme Court's order passed in SLP ( C ) 27734 of 2012 , Girish Chandra Deshpande - Vs - Central Information Commission ors. , which was mentioned in one order dated 14.08.2013 passed by the Joint Secretary (AT & T) Dept. of Personnel & Training and being the first appellate authority, came to the conclusion that the appellatant had not succeeded in justifying that three informations sought by her was for the larger public interest, rather it appeared to be a matter which was involved in personal gain or loss and moreover the prayer of appellatant and her mode of action were showing the greater interest of her family affairs , resembled typical personal interest . (Collectively as Annexure-R3)

Informations might not serve the public interest in a true sense . Both the parties are now involved in judicial proceedings , public authority cannot be a part and parcel to be involved in a personal interest of the appellatant .

Hence, I was not at all satisfied on the justification of the claim of the appellatant and not inclined to entertain the prayer of the appellatant to disclose such informations sought for in this instant appeal and thus the same was dismissed & disposed of as well .

This is all my humble submission before the Hon`ble State Information Commissioner and ready to comply with the order passed in this instant matter under this hearing procedure.

Encl : As Stated . .

 11/2/26  
District Inspector of Schools (PE)  
Hooghly



GOVERNMENT OF WEST BENGAL  
OFFICE OF THE  
DISTRICT INSPECTOR OF SCHOOLS (P.E.), HOOGHLY  
Pipulpati, P.O. & Dist : Hooghly, Pin : 712103  
E.MAIL ID:-disp.hooghly@gmail.com Office Contact:- 2680-3172

Memo No :- 1062/1(5)/PE/HLY/RTI

Date - 04.12.2024

OFFICE MEMORANDUM

Reasoned Order :

Sub : 1<sup>st</sup> RTI appeal received from Bratati Mukhopadhyay ( Teacher ) , Konnagar High School dated 12.11.2024 to the First Appellate Authority and District Inspector of Schools (PE) , Hooghly .

Date of Hearing : 27.11.2024

Time of Hearing : 02 P.M.

Place : Office Chamber of the D/S (PE) , Hooghly

Present :

1. Bratati Mukhopadhyay - Appellant
2. Rajeswari Ganguly - A.T. Chakundi Pry. School under Chanditala Circle
3. Mousumi Adhikari ( Chatterjee ) - Head Teacher Chakundi Pry School
4. Kishore Karmakar - SPIO and S/S , Chanditala Circle dated Hooghly

Background :

1. A RTI application under RTI Act. 2005 was made on 22.06.2024 by Bratati Mukhopadhyay to the Head Teacher , Chakundi Primary School under Chanditala Circle , Hooghly regarding some required informations about Rajeswari Ganguly , A.T. of the said same school . The informations as required / sought were as follows :

- a) Date of joining of Rajeswari Ganguly at the said institution .
- b) Photocopy of Leave Record of Rajeswari Ganguly since her joining .
- c) Photocopy of Attendance Register of precisely Rajeswari Ganguly (for Teachers) at the said institution since January , 2022 to till date 22.06.2024 .

2. The Head Teacher , Chakundi Pry School had transferred the RTI application to the SPIO and S/S , Chanditala Circle u/s 6(3) of Right to Information Act. 2005 .
3. The SPIO and S/S , Chanditala Circle having received the application had issued a letter to the Rajeswari Ganguly about her 'No Objection' regarding disclosure of the required informations u/s 11 of RTI Act. 2005 as the matter are 'third party information' . Having not received ' No Objection ' from Rajeswari Ganguly the S/S, Chanditala Circle rejected the application vide his office memo no. C/157 dated 22.10.2024 .

Cont ..... 2

4. Having not received any information from the SPIO and SI/S , Chanditala Circle and also being aggrieved of the fact the appellant filed 1<sup>st</sup> appeal before the , 1<sup>st</sup> Appellate Authority and DI/S (PE) , Hooghly on 12.11.2024 .
5. After perusing the application throughly , the 1<sup>st</sup> Appellate Authority decided to hear the appeal on 27.11.2024 and had taken all submissions and perused submitted documents .

**Findings :**

1. During the hearing the appellant informed that she required three informations as specified in the RTI application about the said teacher Rajeswari Ganguly. She explained that those informations do not fall under the jurisdiction of public informattions so she expressed that she is entitled to get those informations and she produced an order of Central Information commission dated 20.12.2016 in support of her claim .

Appellant Bratati Mukhopadhya requested undersigned to accept the presence of his husband ( Sri Sourabh Mukhopadhyay) and representation on behalf of her in the hearing and one advovate on behalf of her also present during hearing and that was allowed .

Mrs. Bratati Mukhopadhyay also filed an FIR against Mrs. Rajeswari Ganguly, having CR No. 448/2024 at Uttarpara P.S , enclosed in the report of S.I of Schools , Chanditala Circle .

2. The teacher Rajeswari Ganguly also informed that those informations as required by the appellant are obviously related to the 'third party information' and she also produced an order dated 26.06.2013 by Chief Information Commission to uphold her view about non-disclosure of those informations as disclosure of those informations may intrude the privacy of the teacher in the school as well .

At the same time , Mrs. Rajeawari Ganguly filed a court case in the Ld. A.C. J.M, at Serampore Court No. MP-50/2024 under FIR 376/2024 at Uttarpara P.S . and that is at pending stage and in her written submission she enclosed several whatsapp communications with Mrs. Mukhopadhyay and her husband Sourabh Mukhopadhyay.

3. The SPIO & SI/S Schools , Chanditala Circle explained his stands about non-disclosure of those informations referring the section under 8(j) of the RTI Act, 2005 as having no proper authorization from ' third party' as well as H.T. of the said school had taken the stand as like as SPIO .

**Decision :**

Being the First Appellate Authority is of the opinion that the present condition of the matter is very serious in nature and the appellant appears to be acted jointly against Mrs. Rajeawari Ganguly under criminal proceedings at the court of law and vice-versa . Two CIC orders submitted by both the parties do not define any ultimate conclusion for its operative nomenclature to follow .

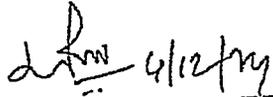
Under this context , procedural action had taken under section 11 (eleven) of RTI Act to deal with third party information matter considering all written submissions and contemporary evidences and under the purview of Section 8 (1) (j) , Chapter -2 and in the light of Supreme Court's order passed in SLP ( C ) 27734 of 2012 , Girish Chandra Deshpande - Vs - Central Information Commission ors. , being first appellate authority, came to the conclusion that the appellant has not succeeded in justifying that three informations sought for is for the larger public interest rather it appears to be a matter which is involved in personal gain or loss and moreover the prayer of appellant and her mode of action are showing the greater interest of her family affairs , resembles typical personal interest .

Informations might not serve the public interest in a true sense . Both the parties are now involved in judicial proceedings , public authority cannot be a part and parcel to be involved in a personal interest of the appellant .

Hence , I am not at all satisfied on the justification of the claim of the appellant and not inclined to entertain the prayer of the appellant to disclose such informations sought for in this instant appeal and the same is dismissed .

All concerned be informed .

Thus the matter is disposed of .

  
 District Inspector of Schools (PE)  
 Hooghly

No. 11/2/2013-IR (Pt.)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

North Block, New Delhi,  
Dated the 14<sup>th</sup> August, 2013

OFFICE MEMORANDUM

Subject: Disclosure of personal information under the RTI Act, 2005.

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

*"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual."* The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

*Manoj Joshi*  
(Manoj Joshi)  
Joint Secretary (AT&A)  
Tel: 23093668

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.