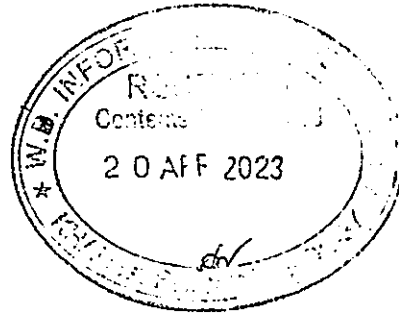


1200/(A)  
20/04/2023

To,

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



**Subject: Second Appeal under Section 19(3) of Right to Information Act, 2005**

**Date: 13/04/2023**

**Name and Address of the appellant:**

Diptendu Roy  
Officers colony,  
Near Sericulture office,  
MulukBolpur,  
Birbhum  
Pincode: 731204

**Name and Address of the CPIO:**

Office of the District Magistrate, Birbhum,  
Administrative Building,  
Suri Main Road, Suri, Birbhum,  
West Bengal 731101

**Date of submission of RTI request: 15/12/2022**

**Date of RTI reply: NA**

**Name and Address of the FAA:**

District Magistrate, Birbhum,  
Administrative Building,  
Suri Main Road, Suri, Birbhum,  
West Bengal 731101

**Date of submission of FA request: 07/02/2023**

**Date of FA reply: 03/03/2023**

**Brief facts of the case:**

1. The Applicant had filed a RTI Application seeking information on the following grounds:

Information Regarding - Certified copy of Audit report of Khujutipara RGJ High School

2. However, there was no response from the concerned Public Information Officer (PIO) of the Public Authority to the RTI Application within the mandatory period of 30 days from the date of receipt of the application.

3. The Applicant, then proceeded to file a First Appeal u/s 19 of the Right to Information Act against the no-response of the PIO to the application.

4. However, there was an unsatisfactory response from the concerned First Appellate Authority (FAA) of the Public Authority to the First Appeal.

**Grounds for Prayer or Relief:**

1. As there is no reply from the PIO within 30 days from the date of the RTI Application and an unsatisfactory reply from the First Appellate Authority, a second appeal is being filed under section 19(3) of the Right to Information Act within the mandatory time period of 90 days. The copy of the RTI application and first appeal have been annexed herewith as Annexure 1 and Annexure 2.

2. The failure of the PIO as well as the FAA to respond to the application within the specific time frames as provided under the Act is a violation of Section 5(3), 5(4) and 5(5) which mandates that the PIO is to make all efforts to ensure that the requested information is properly furnished to the applicant.

2. The applicant filed the RTI application for information Regarding - Certified copy of Audit report of Khujutipara RGJ High School but there was no response from the PIO. Hence, the applicant filed the First Appeal. After the filing of the First appeal the applicant received a letter from the DIS, SE (Birbhum) mentioning that the RTI application is being transferred to SPIO (AHM/SENIOR MOST AT), Khujutipara RGJ High School on 03/03/23 to provide the requested information.

9. In the decision of the Central Information Commission in case titled Ashok Kumar vs Cabinet Secretariat bearing no. CIC/SM/A/2013/000574-SS, it has been held that: "Section 6(3) only authorises the public authority to transfer the request for information to another public authority. It does not confer any power on the CPIO to record his view with respect to the information sought in the application, which he is transferring to another public authority. Further the proviso of section 6(3) states 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."

In view of the decisions held, it is the responsibility of the PIO and the FAA to ensure that the information is made available to the applicant even after the application has been transferred. However, in the present case the PIO and FAA has failed to do so and acted in a manner that is against the letter and spirit of the RTI Act.

10. The act of the PIO and FAA to not provide the information within the stipulated time period even after the transfer of application is a violation of Section 7(1) of the RTI Act which obliges the PIO to provide access to information to a citizen unless furnishing of such information is covered by one of the exemptions provided under Section 8 or Section 9 of the RTI Act. The denial of information by the PIO is in violation of the provisions of the RTI Act and tantamounts to deemed refusal in terms of Section 7(1) of the RTI Act which makes the PIO liable for penal action under Section 20(1) of the RTI Act. The PIO has clearly failed to discharge its duties and obligations in the letter and spirit of the Act.

11. As the application of the applicant/appellant has not been handled properly and even the first appeal has not been disposed off accordingly, the concerned PIO is liable to face penal action. The applicant has suffered detriment, mental agony and harassment for not receiving timely and complete information and deserves to be compensated u/s 19(8)(b) of the RTI Act.

#### **Prayers or Relief Sought:**

I appeal to you to kindly direct the concerned PIO to provide the correct and relevant information to the undersigned at the earliest, that is complete in all respects. I also humbly appeal to the Hon'ble Commission to levy penal/punitive

3. But its been more than a month there has been no acknowledgement or response from the PIO to whom the application has been transferred. Hence, aggrieved by the same the applicant is filing this Second appeal

4. The 1st Appellate Authority to whom the application was filed at the first place had a duty to ensure that the applicant receives the sought information. Mere transfer of application without any effort to provide the information amounts to denial of information.

5. In the decision of the Delhi High Court in case titled Ministry of Railways through Secretary and Anr. Vs Girish Mittal bearing no. WP(C) No. 6088/2014, it has been held that: "Section 6(3) of the Act cannot be read to mean that the responsibility of a CPIO is only limited to forwarding the applications to different departments/offices. Forwarding an application by a public authority to another public authority is not the same as a Public Information Officer of a public authority arranging or sourcing information from within its own organization."

"He cannot escape his responsibility to provide the information by simply stating that the queries were forwarded to other officials."

6. The denial of information by the PIO is in violation of the provisions of the RTI Act, tantamounting to deemed refusal in terms of Section 7(1) of the RTI Act which makes the PIO liable for penal action under Section 20(1) of the RTI Act. The PIO has clearly failed to discharge its duties and obligations in the letter and spirit of the Act.

7. The information sought by the applicant in the RTI Application is very much a part of the information maintained by the concerned public authority falling under the definition of section 2(f) of the RTI Act and the PIO and FAA have no reasons whatsoever, of refusing to provide the information. In fact, their failure to even reply to the application highlights the fact that the application has been dealt with in a negligent and apathetic manner.

8. Various orders have been passed by the Hon'ble Central Information Commission to the effect that a no response from the PIO and the FAA calls for strict action against the concerned officer along with directions to be issued for the disclosure of the information sought at the earliest.

action against the concerned officer for failing to provide a timely response and compensating the undersigned/appellant for the detriment caused for the reasons mentioned in the appeal above. The Hon'ble Commission may also pass any other or further orders in the interest of justice.

**Verification:**

I, Diptendu Roy hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with this commission nor is pending with any Court or tribunal or authority

Yours sincerely



Diptendu Roy



**Enclosures:**

Annexure 1 - Copy of the original RTI Application.

Annexure 2 - Copy of the original First Appeal Application.

**Copy To,  
The Public Information Officer  
Office of the District Magistrate, Birbhum,  
Administrative Building,  
Suri Main Road, Suri, Birbhum,  
West Bengal 731101**

1166034

<div style="text-align: center;">  <p><b>आधार</b></p> </div> <div style="text-align: center;"> <p>5993 7328 5014</p> </div> <div style="text-align: center;"> <p>Unique Identification Authority of India</p> </div>	<div style="text-align: center;">  <p><b>आधार</b></p> </div> <div style="text-align: center;"> <p>5993 7328 5014</p> </div> <div style="text-align: center;"> <p>Unique Identification Authority of India</p> </div>
<p>Address:</p> <p>1058/55089/03639</p> <p>West Bengal, 711145</p>	<p>Address:</p> <p>1058/55089/03639</p> <p>West Bengal, 711145</p>
<p>DOB: 01/06/1990</p> <p>MALE</p>	<p>DOB: 01/06/1990</p> <p>MALE</p>
<p>DIPTENDU ROY</p> <p>Government of India</p>	<p>DIPTENDU ROY</p> <p>Government of India</p>
<p>5993 7328 5014</p> <p>आधार संख्या / Your Aadhaar No.:</p>	<p>5993 7328 5014</p> <p>आधार संख्या / Your Aadhaar No.:</p>
<p>Information</p> <ul style="list-style-type: none"> <li>Aadhaar is a proof of identity, not of citizenship.</li> <li>To establish identity, authenticate online.</li> <li>This is electronically generated letter.</li> <li>It is valid throughout the country.</li> <li>It will be helpful in availing Government services.</li> </ul>	<p>Information</p> <ul style="list-style-type: none"> <li>Aadhaar is a proof of identity, not of citizenship.</li> <li>To establish identity, authenticate online.</li> <li>This is electronically generated letter.</li> <li>It is valid throughout the country.</li> <li>It will be helpful in availing Government services.</li> </ul>
<p>5993 7328 5014</p> <p>आधार संख्या / Your Aadhaar No.:</p>	<p>5993 7328 5014</p> <p>आधार संख्या / Your Aadhaar No.:</p>
<p>5993 7328 5014</p> <p>आधार संख्या / Your Aadhaar No.:</p>	<p>5993 7328 5014</p> <p>आधार संख्या / Your Aadhaar No.:</p>

# **The Right to Information Act, 2005**

## **First Appeal for State Government**

I.D No \_\_\_\_\_ Date: \_\_\_\_\_ [For office use]

To,

The First Appellate Authority under RTI Act

District Magistrate, Birbhum,  
Administrative Building,  
Suri Main Road, Suri, Birbhum,  
West Bengal 731101

Sir,

As I am aggrieved by no decision of State Public Information Officer, I hereby file this appeal for your kind decision.

### **1. Details of appellant**

1.1 Full Name: Diptendu Roy

1.2 Full Address:

Officers colony,  
Near Sericulture office,  
MulukBoipur,  
Birbhum  
Pincode: 731204

1.3 Phone/Cell No: 8158965836

1.4 Email ID: diptendudip@gmail.com

## **2. Details of State Public Information Officer (SPIO)**

2.1 Name/Designation: Public Information Officer

2.2 Full Address:

Office of the District Magistrate, Birbhum,  
Administrative Building,  
Suri Main Road, Suri, Birbhum,  
West Bengal 731101

## **3. Details of RTI application to SPIO**

Date of Application: Thursday, December 15th 2022

Mailed on : 15/12/2022 by Registered Post No.: EK686266211IN

Date of receipt by SPIO: 20/12/2022

## **4. Particulars of payment of filing fee:**

Paid Rs.10/- by bank draft/pay slip/IPO No: By Court Fee Stamp

## **5. Details of information sought:**

U/s 2(f), 2(j) and 6 of RTI Act, 2005, please provide the following information:

1. Certified copy of Audit report of Khujutipara RGJ High School, Nanoor block Birbhum for the year 2012, 2013, 2014, 2015, 2016, and 2017.

## **6. Particulars of Decision of SPIO:**

Ni response received.



## **7. Brief facts of the case:**

The applicant is filed the RTI application for Information Regarding - Certified copy of Audit report of Khujutipara RGJ High School. But till date there has been no response from the PIO. Hence, the applicant is filing this First APPEAL APPLICATION.

## **8. Reasons/grounds for this appeal:**

1. As there was no reply from the Public Information Officer, to the RTI application dated 15/12/2022 within 30 days, an appeal is preferred before the First Appellate Authority under the Section 19 (1) of the Right to Information Act, 2005.

2. Under the RTI Act, 2005, a PIO is obliged to provide access to information to a citizen unless as stipulated by Section 7 (1), furnishing of such information is covered by one of the exemptions provided under Section 8 or Section 9 of the RTI Act.

3. The PIO has failed to discharge its duties and obligations and has adopted a lackadaisical approach towards dealing with the RTI application by not responding within 30 days of the application.

4. The PIO has failed to inform the applicant as to why this information has not been disclosed to the applicant and its reasons thereof. Section 4 (1) (d) of the RTI Act clearly lays down that every public authority shall have to disclose the reasons for its decisions to the affected persons.

5. It is obligatory upon the PIO to disclose the information as requested by the applicant. The request of the applicant squarely falls within the definition of right to information under Section 2 (j) of RTI Act read with Section 2 (f) and 2 (i) relating to the definition of information and record. The applicant in his RTI application has clearly enumerated the information which he desires and there is no ground whatsoever for the PIO to not to provide him the complete information.

**9 Any other information in support of appeal:**

NA

**10 Prayer/relief sought for:**

The PIO may be directed to furnish information requested in the RTI application as available in the files/records and made available to the applicant.

This First Appeal is accompanied by an application for condonation of delay in filing the First Appeal within the stipulated time as prescribed in Section 19 (1) of the RTI Act, 2005 at Annexure 2.

**11. Personal Presence at hearing: NO**

**12. Enclosures:**

Photocopies of original RTI application with its enclosures, postal proof of mailing

**13. Declaration:**

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

Signature of appellant



**The Right to Information Act 2005**  
**Application for obtaining information**

**From**

Diptendu Roy  
Officers colony,  
Near Sericulture office,  
MulukBolpur,  
Birbhum  
Pincode: 731204

**To**

The Public Information Officer  
Office of the District Magistrate, Birbhum,  
Administrative Building,  
Suri Main Road, Suri, Birbhum,  
West Bengal 731101

**SUB : Information Regarding - Certified copy of Audit report of Khujutipara  
RGJ High School**

Dear Public Information Officer:

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows

**1. Details of the applicant**

Name: Diptendu Roy  
Email: diptendudip@gmail.com  
Address: Officers colony, Near Sericulture office, MulukBolpur, Birbhum Pincode:  
731204  
Phone: 8158965836

**2. Period to which the information relates: 2012 till date**

**3. Details of Information**

U/s 2(f), 2(j) and 6 of RTI Act, 2005, please provide the following information:

1. Certified copy of Audit report of Khujutipara RGJ High School, Nanoor block Birbhum for the year 2012, 2013, 2014, 2015, 2016, and 2017.

**4. Application fee details**

Encl. Application Fee of Rs 10/- By Court Fee Stamp

**5. Below Items are for your kind information and consideration**

- a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.
- b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.
- c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to inform me of the particulars of First Appellate Authority.

**6. Declaration**

I declare that I am a citizen of India.

Yours faithfully,

*Dipendu*

---

**Hearing on 15-12-2025**

---

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

Tue, 09 Dec 2025 11:09:17 AM +0530

To "BIDHAN RAY"<dm-bir@nic.in>

Cc "diptendudip"<diptendudip@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-104451-1173-202...

15.9 KB

D.NO-4969 (ATR)  
12/12/25

Lim.D.NO-

APPEAL No. 104451 of 2025

GENERAL SECTION BIRBHUMCOLLECTORATE < rgsection@gmail.com >

Fri, 12 Dec 2025 4:12:55 PM +0530

To "Hon'ble Information Commissioner RTI"<scic-wb@nic.in>

Attention to the section officer, WB Information Commission.

--

Sir/Madam,

Please download the attached file(s) for your ready reference.

Yours faithfully,

Sd/-

O/C, General Section,  
Birbhum Collectorate

### NOTE SHEET

Office of the District magistrate, Birbhum  
General Section (RTI Cell)

Page No.

Date: 11/12/2025

Receive a notice for hearing of appeal from West Bengal Information Commission, Kolkata-87 vide memo no. 6537-WBIC/RTI/A/104451/1173/2025 dated: 04/12/2025, date of hearing is 15/12/2022 11:30 AM, which is placed at Flag "A" for your kind perusal.

#### Appeal no. 104451 of 2025.

1. Name of the appellant- DIPTENDU ROY.
2. Date of RTI petition 15/12/2022 at DM Office, Birbhum.
3. Information sought for certified copy of audit report of Khujutipra RGJ High School, Nanor Block, Birbhum for the year 2012, 2013, 2014, 2015, 2016, and 2017.
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9. Fixing the date of appeal hearing on 03/05/2023 at 2.00 pm issued notice vide memo no 540(2)/G dated 20/04/2023 from the FAA (DI of School, Secondary Education, Birbhum).
10. This office not received any order sheet of FAA.

How ever telephonic conversation already has been made with the running HM of that school and DI office.

Considering the above circumstances, the DI of School (Secondary Education), Birbhum may be requested to present at the chamber of the ADM(G) with the HM of that school with all relevant supporting papers to join the hearing of information commissioner, West Bengal on 15/12/2025 at 11:30 am through VC mode, if approved.

Put up for kind perusal and approval.

11/12/2025  
O/C- RTI.

may M. in command.

ADM(G)

OC

ADM(G)

12/12/25

Hearing - 15/12/2025  
H'SCIC

1 Attachment(s)

(sc)



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*AD*  
*11/12/2025*  
*O/C RTI.*  
*M. M. in command.*  
*M. M.*

ADM(G) /



D.NO-4969 (ATR)  
12/12/25

Lim.D.NO-

APPEAL No. 104451 of 2025

GENERAL SECTION BIRBHUMCOLLECTORATE < rgsection@gmail.com >

Fri, 12 Dec 2025 4:12:55 PM +0530

To "Hon'ble Information Commissioner RTI"<scic-wb@nic.in>

Attention to the section officer, WB Information Commission.

--

Sir/Madam,

Please download the attached file(s) for your ready reference.

Yours faithfully,

Sd/-

O/C, General Section,  
Birbhum Collectorate

### NOTE SHEET

Office of the District magistrate, Birbhum  
General Section (RTI Cell)

Page No.

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11/12/2025  
O/C- RTI.

may M. in my hand.

ADM(G)

OC

ADM(G)

12/12/2025

Hearing - 15/12/2025  
H'SCIC

1 Attachment(s)

(sc)



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*11/12/2025*  
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*M. M. in command.*  
*M. M.*

ADM(G) /