

2146/1A)  
26/06/2023



To  
The West Bengal Information Commission  
U/s.19 (3) of RTI Act of 2005  
11A, Mirza Galib Street,  
KHADYA Bhaban,  
Kolkata- 700 087.

From  
Tushar Bhandari  
Vill. & P.O. Dhabani  
Dist. Paschim Bardhaman  
West Bengal, PIN- 713205  
Mob.No. 8918140639

Date :- 22/06/2023

Sub :- 2<sup>nd</sup> Appeal

Dear Ld. Commission ,

Most respectfully , being aggrieved with information sent by the Principal & I/C. and S.P.I.O. H.M.S.M. Govt. Polytechnic vide No. 278/ HMSM/23 dtd. 01/06/2023 (Annex- "A" ) in reply to my appeal dtd. 27/04/2023 (Annex-B) , I preferred to appeal ( 2<sup>nd</sup> appeal on the following

**GROUNDS**

1. That appellant to the Ld. Appellate Authority (Designated) H.M.S.M. Polytechnic and send information by respected Principal in-charge on behalf appellate Authority as per Instructions.
2. That information / order are not included in Sec.7 Sub-Sec. (i) Contrary to the Provision of this act.
3. That there is no Provision in the Act to Dispose of appeal in the word "sending information "to you"
4. That it is bad in law to assess/ declare "In this back drop, your Ground (1) is Completely infrastructure " and also steps to the abuse in the process of law with word " nul & void" without following administration of Justice and it is just arbitrary decision to avoid Process of Justice.
5. The person giving "Information" / order, *is part of* Subject matter;

Tushar Bhandari  
22/06/2023

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That the U/s. (F) of Sec. 2 of the RTI Act 2005 denotes to merits without any Pre-determination and only ~~rests~~ on any material in any form "including records, documents"

As such for the sake of Justice I pray to the Ld. Commissioner 2<sup>nd</sup> and to allow this appeal Order as deem fit and proper.

COPY ENCL:-

- ① <sup>Copy</sup> Annex "A"  
(Memo No. 278/HMSM/23  
dt. 01-06-2023)
- ② <sup>Copy</sup> Annex "B"  
Appeal dt. 27-04-2023
- ③ <sup>Annex (1)</sup> Copy dt. 28-02-2023
- ④ Copy Annex-(2) (ARCC/WB-  
dt. 13/12/2022 6908 dt. 10/12/22  
10/12/21)
- ⑤ Photo (Print)
- ⑥ <sup>Copy</sup> Annex (3)  
No. 159/HMSM/23  
dt. 29/03/2023

Yours faithfully,

Tushar Bhandari  
22/06/2023

(TUSHAR BHANDARI)



Annex "A"



Government of West Bengal  
OFFICE OF THE PRINCIPAL

**HAJI MD. SERAFAT MONDAL GOVERNMENT POLYTECHNIC**  
(Formerly known as Rampurhat Government Polytechnic)

VILL-PABUIDIGHI, P.O.-NINGHA, DISTRICT-BIRBHUM, WEST BENGAL-731202

E-mail to: hmsmgp.rampurhat@gmail.com : Website: <https://polytechnic.wbtetsd.gov.in/hmsmgovpolyrampurhat>

Memo No.: -278/HMSM/23

Date: - 01.06.2023

From:  
Principal-in-Charge & SPIO  
HMSM Govt. Polytechnic  
Vill: Pabuidighi, P.o.: Ningha, Birbhum-731202

To:  
Tushar Bhandari  
Vill+P.O.: Dhabani  
Dist. Paschim Bardhaman, Wb-713205

Sub:- Information sought under RTI Act,2005.

Ref:- Your Appeal dated 27.04.2023.

Annex "B"

Sir,

This is to inform you that, I, the undersigned intended to forward the letter to the Appellate Authority of this institute but as per the instruction of the Appellate Authority I am sending this information to you.

Apropos your appeal under reference, I hereby submit as under:-

1. Burden of Corroboration does not lie upon the SPIO . In this backdrop, your ground no.(1) is completely infructuous.
2. The source of the information has already been disclosed vide memo no.159/HMSM/23 dated 29.03.2023 .Hence, the ground no(2) of this appeal stands automatically null & void.
3. There is no provision of "CLARIFICATION" in the RTI Act,2005 . So, ground no(3) is not maintainable in terms of RTI Act,2005.

If you feel aggrieved with this reply, you may prefer second appeal before West Bengal Information Commission under Section 19(3) of RTI Act,2005.The address is mentioned below-  
11A,Mirza Galib Street, Khadya Bhaban,Kolkata-700087.

With thanks and regards;

Thanking you,

Yours faithfully,

(ABDUL AYAZ)

Principal-in-Charge

&  
SPIO

HMSM Govt. Polytechnic  
Vill: Pabuidighi, P.o.: Ningha, Birbhum-731202

Abdul Ayaz  
Principal-in-Charge  
Haji Md. Serafat Mondal Government  
Polytechnic, Birbhum, West Bengal

Date: - 01.06.2023

Memo No.: -278/1(02)HMSM/23

Copy forwarded for kind information to:

- 1.The Director, Directorate of Technical Education & Training & the Appellate Authority of this institute, Karigori Bhawan (3<sup>rd</sup> Floor), Plot- B/7, Action Area-III, Newtown, Rajarhat, Kolkata-700160.
- 2.Office File

(ABDUL AYAZ)

Principal-in-Charge

Haji Md. Serafat Mondal Government  
Polytechnic, Birbhum, West Bengal



o/c

From: Sri Tushar Bhandari  
Vill. & P.O. Dhabani  
Dist. Paschim Bardhaman  
PIN-713205.

To  
The Ld. Appellate Authority (Designated)  
(relating to RTI Act. 2005)  
Haji MD. Sarafal Mondal, Govt. Polytechnic  
Vill. Palevidighi  
P.O. Ningha, Dist. Birbhum  
West Bengal-731202.

Date-27/04/2023

Sub: Appeal to the Ld. Designated Appellate Authority.

Annex (3)

Dear Sir,

Being aggrieved upon the reply dt. 29.03.2023 from respected Principal in Charge and state Public Information Officer of H.M.S.M. Govt. Polytechnic, the undersigned preferred to lodge this appeal on following GROUNDS:-

1. That reply of the cited memo under reference is not within the information sought under RTI Act and so as to corroborate with para-3 of the memo of dt. 12.12.21 sent by Principal In-Charge, to ARCC/WE is necessary.
2. That regarding para(b) of reply dt. 29.03.2023 from respected Principal-in-Charge, the place which it was searched not mentioned but it is pertinent to mentioned that the picture clearly indicate <sup>some</sup> ~~some~~ students sitting with uniform and identity cards includes Sri Dehabrata Das(annexed). As such, it is necessary to interact within points and to mention the name of the teacher in-charge of the said DCE on 09.12.2021.
3. That regarding para-C it need to be clarified whether there is any provision with the RTI Act with word "Presumptive(based)" is hearsay and obtained from some students. Please mentioned the names of such students so as to get Justice and the process of administration of Justice. Otherwise interest of the petitioner will be highly prejudiced.

As such it is prayed before the Ld. Designated Appellate Authority to do justice and pass necessary Order as deem fit and proper for the sake of justice.

Tushar Bhandari  
Appellant

Date-27/04/2023  
Annexure "A"  
Enclosed herewith copy  
of 1st appeal  
dt. 28/12/23 &  
Copy of No. 159/13 MSM/23  
dt. 29/3/23



9C

Annex<sup>n</sup>(1)

Application for seeking information under RTI Act 2005

Date- 28/02/2023

To,  
The Public Information Officer/Principal-in-charge  
H.M.S.M. Govt. Polytechnic, Vill. Pabuidighi,  
P.O. Ningha,  
Birbhum, West Bengal,  
Pin Code 731202.

1. Name of the applicant : Sri Tushar Bhandari  
Vill. & P.O. Dhabani,  
Dist. Paschim Bardhaman,  
Pin-713205, West Bengal.

2. Particulars of Information required/sought :-

- 1) With reference to your submission dtd. 13/12/2021;  
(copy enclosed)
- a) The date and source of Information in which Sri  
Debabrata Das was neither within the campus of College  
nor within the Rampurhat, Sub-division :-
- b) The source with date that you come to know the picture  
was capture at Sri-Jani Shilpagram :-
- c) What is the Source of presumption and names of students  
that you come out with the word of up-loading the  
picture by some students. :-

3. Without prejudice to my right under RTI Act 2005 and to  
facilitate faster retrieval of information, I would like  
to state that the information may be provided in the

Tushar Bhandari



not fall

stipulated time.

4. I state that the information sought does not fall within the restriction contained in sec.8 and 9 of the RTI Act 2005 and to the best of knowledge it pertains to your gooself.

5. I am a citizen of India and eligible to seek the information under RTI Act 2005.

6. A postal order No. 07 F 661304 dated 15-02-23 is enclosed herewith.

Encl:- As above

Date - 28/02/2023

Tushar Bhandari

Name & signature with Address

M-8918140639, E-mail Address -  
bhandaritushar167@jmel.com.

10-11-68

...the fact that it is not about a possible for this institute ... of the ... a ... student who is seen in a ... years ... outside ... that the picture might have been captured before the initiation of the ... and it is uploaded by some of the students later in the ...

the students later in the



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**Sub :** Our humble submission towards further clarification sought for.

**Ref No. :** ARCC/WB-6908 dated 10.12.2021

Respected Sir/Madam,

Upon perusal the e-mail under reference , we like to intimate your good self the following facts as stated seriatim .

1. Asarul Mallick (Registration No-D192019147) & Debabrata Das (Registration No-D192019155) , both of these students of Diploma in Civil Engineering , 3<sup>rd</sup> year , 5<sup>th</sup> Semester, are suspended till now( 02.12.2021 to 11.12.2021) from all academic activities of this Institute in compliance with the resolution adopted in the meeting by our Anti - Ragging Committee (the Investigation Report by Anti-Ragging Committee has already been sent to your end vide Memo No-283/HMSM/21 dated 01.12.2021 ) on 01.12.2021 at 11 a.m. in the office of the Principal -in-Charge of this Institute.
2. A one-day training for the 3<sup>rd</sup> Year, 5<sup>th</sup> Semester, DCE students was conducted at Pranabananda Technical Training Institute Pvt. ITI on sanitary & plumbing systems in compliance with the syllabus of the 5<sup>th</sup> Semester of DCE on 09.12.2021. The receipt copy of the request letter for 31 out of 33 students(excluding these two suspended students) addressed to the said Institute vide Memo No-299/HMSM/21 dated 08.12.2021 and the copy of release order as obtained from the cited above Institute along with the attendance of 20 students are also appended to this letter collectively as "ANNEXURE-A"(in PDF format).
3. The image , as attached in the mail under reference , in which one of the suspended student namely Debabrata Das is identified , is neither captured within the campus of our Institute nor within the Rampurhat Sub-Division in where our Institute is situated . Having inquired , we come to know that the picture was captured at Srijani Shilpagram , which is the cultural village and also a tourist attraction place of Eastern Zonal Cultural Centre under the Ministry of Culture , Government of India , situated at Santiniketan , District -Birbhum , West Bengal. The google location map of this cited above place is furnished herewith for your ready reference-  
<https://goo.gl/maps/WxEkixwivjsrvUA67>

The details of this cultural village/tourist attraction place is also attached herewith as "ANNEXURE-B"(in PDF format).

In this regard , you will surely understand the fact that it is near about impossible for this Institute and/or members of the Anti-Ragging Committee to trace a suspended student who is seen in a tourist spot/cultural village with their batch mates within another Sub-Division of the district(outside the Sub-Division of our college). It is also presumed that the picture might have been captured before the initiation of the ragging complaint and it is uploaded by some of the students later in the social networking sites or otherwise.

*Abdul Aziz*  
13-12-21  
**Abdul Aziz**  
Principal-in-Charge  
Haji Md. Serafat Mondal Government  
Polytechnic, Birbhum, West Bengal



4. Though Last but not the least, we are glad to intimate you that we are also conducting ragging awareness programmes along with the students within our campus to eradicate the system of Ragging , which is an evil heirloom, left over from the British era. We have deployed security personnel throughout the campus so as to avoid any type of interaction between the 1<sup>st</sup> Year students and their seniors .Because of non-existence of any type of hostel facility by our Institute , the students generally reside at private rooms at Hasan Tematha ,which is near about 3 kms away from our campus.We have also conducted a meeting with the private mess owners and made them aware about the harsh consequences of ragging and instructed them to monitor their tenant students so that ragging is not done in any way.We are utmost trying to make a ragging free atmosphere within and outside our campus. We have also affixed various banners regarding Ragging awareness on the apparent portions of the campus.One copy of banner is also annexed hereto as "ANNEXURE-C"(in JPEG format) for your ready reference.

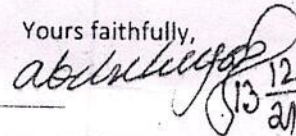
In view of the foregoing facts , we urge upon you to kindly acknowledge our humble submission and advise us accordingly and to kindly let us know , if any further information is needed.

Your kind cooperation is highly solicited in the matter.

With thanks & sincere regards;

Encl: As above.

Yours faithfully,



**Abdul Ayaz**  
**Principal-in-Charge**  
Haji Md. Serafat Mondal Government  
Polytechnic, Birbhum, West Bengal



sl. ⑤ Photo Point

⑤

"Annexure 'A'"  
Endo  
SPS-Photo Copy







Amx (3)

Government of West Bengal  
OFFICE OF THE PRINCIPAL

**HAJI MD. SERAFAT MONDAL GOVERNMENT POLYTECHNIC**  
(Formerly known as Rampurhat Government Polytechnic)

VILL-PABUIDIGHI, P.O.-NINGHA, DISTRICT-BIRBHUM, WEST BENGAL-731202

E-mail to: hmsmgp.rampurhat@gmail.com : Website: <https://polytechnic.wbtetsd.gov.in/hmsmgovpolyrampurhat>

Memo No.: -159/HMSM/23

Date: - 29.03.2023

From:- Principal-in-Charge  
&  
State Public Information Officer,  
H.M.S.M. Govt. Polytechnic,  
Vill-Pabuidighi, P.O-Ningha, Birbhum, WB-731202

To:- Sri Tushar Bhandari,  
Vill. & P.O-Dhabani,  
Dist-Paschim Bardhaman, WB-713205

**Sub:- Information sought for under RTI Act, 2005**

**Ref:-** RTI Application of Sri Tushar Bhandari dated 28.02.2023 and received by post on 02.03.2023

Sir,

In response to your RTI application under reference, I am providing you the required information against your queries as under:-

a) It is not possible to state as to on which date Sri Debabrata Das was neither within the campus of College or within the Rampurhat Sub-Division. So, the question of source is not applicable here too.

b) The background of the picture & the official website of Eastern Zonal Cultural Centre under the Ministry of Culture, Government of India are the source of the information & the date on which we searched this place in the official website of this Eastern Zonal Cultural Centre is 10.12.2021.

c) Since, the information relating to presumption is hearsay & obtained from some students of our institute in between the date 10.12.2021 to 13.12.2021, it is not possible to furnish the names of the particular students.

If you feel aggrieved with the above information, you may apply before the designated appellate authority of this Institute for this purpose.

Thanking you,

Yours faithfully,

*Abdul Ayaz* 29-03-23  
(ABDUL AYAZ)

Principal-in-Charge

&

State Public Information Officer,  
H.M.S.M. Govt. Polytechnic,

Vill-Pabuidighi, P.O-Ningha, Birbhum, WB-731202