

Lokuge Don Sudath v. Zonal Education Office Ambalangoda

RTICAppeal/91/2017(*Heard as part of the meeting of the Commission on 06.11.2017*)

Acting Chairperson: Ms. Kishali Pinto-Jayawardena

Commission Members: Mr. S.G. Punchihewa

Dr. SelvyThiruchandran

Present: Director-General Mr. Piyathissa Ranasinghe

Appellant: Lokuge Don Sudath

Notice issued to: Zonal Director of Education, Designated Officer, Zonal Education Office, Ambalangoda

Appearance/ Represented by: Mr. Sudath Lokuge
Mr. P.A.Malawara Arachchi, Assistant Director of
Education (Designated Officer)
K.G.D. Priyadarshana, Principal, Nalagasdeniya Jayanthi
Model School (Information Officer)

The Appellant was present at the hearing.

The Public Authority was represented by Mr. P.A. Malawara Arachchi, Assistant Director of Education (Designated Officer) and Mr. K.G.D. Priyadarshana, Principal, Nalagasdeniya Jayanthi Model School (Information Officer).

In this case, the Appellant had requested the following information relating to the admission of students to Grade One in Nalagasdeniya Jayanthi Model School, Galle in 2017 by an information request dated 18.05.2017:

1. The number of applications to Nalagasdeniya Jayanthi Model School for Grade 1One admission in 2017
2. The names and addresses of such applicants (both guardians and students)
3. The list of names of students who were selected to Grade One in 2017

4. The number of students who were selected to Grade One in 2017 and for how many classes were they selected?
5. As per the Ministry of Education circular relating to Grade One admissions, how many students were enrolled in 2017 as per
 - a. Residence
 - b. Old boys/girls
 - c. Siblings
 - d. Academic and non-academic staff
 - e. Transfers
 - f. Overseas
 - g. Other categories
6. The waiting list of students as per each category
7. The map that was used for such selection
8. How many cases were appealed?
9. The appeal list of 2017
10. The number, name and addressed of students who were recommended to be selected after appeal
11. How many students are registered in each class of Grade One of Nalagasdeniya Jayanthi Model School as per 2017.05.19

Responding to the information request by the Appellant, the Information Officer (IO) of the Zonal Education Office by letter dated 22.05.2017 had stated that the information was not in the custody of the Public Authority (PA). Upon receiving the appeal of the Appellant by letter dated 02.06.2017, the Designated Officer (DO), the Director of Education, Southern Province, had requested the Zonal Director of Education to direct the Appellant to the correct PA, if the information was not in their custody. The Appellant had then been directed to the Principal of Nalagasdeniya Jayanthi Model School who by letter dated 20.07.2017 had provided the information to the Appellant. Upon dissatisfaction of the information received with regards to items 6, 8, 9, 10 and 11 of the information request, the Appellant then appealed to the RTI Commission by letter dated 30.08.2017.

Upon perusal of the documents, it was disclosed that the final name list of Grade One students of Nalagasdeniya Jayanthi Model School, Galle had a total number of only 170 students. The Public Authority (PA) clarified that although Grade One has a total capacity of enrolling 195 students, only 170 students are selected through Grade One admission interviews since 25 positions are allocated for students listed in the category of security forces' families and that since the Appellant had only asked for the details of the students who were *selected* to Grade One in 2017, that list only contains details of 170 students. Upon further querying by the Commission, the PA stated that once the students listed in the category of families of security forces were enrolled and if there were any further vacancies, then students from the waiting list would be given an opportunity to be enrolled to the School. In the year of 2017, 170 students had been selected from Grade One admission interviews, 12 students from the category of security forces' families had been enrolled to Grade One and 12 more students from the waiting list had been admitted to Grade One, thereby forming a total number of 194 students in Grade 1.

In regard to the release of item number 9 of the information request, namely the appeal list of students in 2017, the PA claimed that the Appellant had been provided with such information while the Appellant denied receiving the said information. The PA affirmed before the Commission that it was willing to release the information relating to item number 9 to the Appellant by registered post.

The Appellant further stated that when he went to Nalagasdeniya Jayanthi Model School, Galle on 31.07.2017 to inspect the map that was required in item number 7 of the information request, he had handed over another information request to the PA at the school premises, which was a follow-up request on item 11 of the original information request by requesting for names and addresses of each student registered in Grade One of the school. The PA claimed it had not received such information request. The Commission noted that the Appellant had made an appeal dated 10.08.2017 to the DO on the second information request dated 31.07.2017 to which the DO by letter dated 24.08.2017 had informed the Principal of the relevant PA, namely Nalagasdeniya Jayanthi Vidyalaya to provide the information as soon as possible to the Appellant. The Principal had responded to the DO by letter dated 10.09.2017 stating that the information requested by the Appellant had already been provided to the Appellant.

The Commission directed the Appellant to clearly specify the follow-up information that he requested from the PA on 31.07.2017. The Appellant thereby listed the following items of information before the Commission:

1. The name list of the 194 students who were enrolled to Grade One in 2017 under each category (Ex: residence etc.) of the circular issued by the Ministry of Education
2. The names and addressed of the students enrolled in each Grade 1 class of Nalagasdeniya Jayanthi Model School, Galle in 2017

The PA categorically stated on record that it had no such objection to the release of the above information and that it would provide the information through registered post.

Order

In the instant matter, since the original information has not been refused and since neither the IO nor the DO expressed any objection to provide the information requested by the appeal, the Public Authority is directed to provide the following items of information through registered post to the Appellant:

1. The Appeal List of 2017
2. The name list of the 194 students who were enrolled to Grade One in 2017 under each category of the circular issued by the Ministry of Education.
3. The names and addresses of the students enrolled in each Grade One class of Nalagasdeniya Jayanthi Model School, Galle in 2017.

Furthermore, the IO is to copy the RTI Commission to the covering letter addressed to the Appellant notifying the release of such information. The Appellant is to notify the Commission if the requested information has not been made available to him.

The Appeal is hereby concluded.
