

**M.N. Asokan vs. Ministry of Education**

RTIC Appeal (In-Person Hearing)/ 1349/2019- Order adopted as part of a formal meeting of the Commission on 21/11/2019.

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)

**Chairperson:** Mr. Mahinda Gammampila

**Commission Members:** Mr. S.G. Punchihewa  
Dr. Selvy Thiruchandran  
Justice Rohini Walgama

**Appellant:** M.N. Asokan

**Notice Issued to:** Designated Officer, Ministry of Education

**Appearance/Represented by:**

Appellant B.N. Thamboo (on behalf of the appellant)

PA A.E. Nanayakkara- MA  
E. Geethanjan- MA

<b>RTI Request filed on</b>	14.03.2018
<b>IO responded on</b>	No Response
<b>First Appeal to DO filed on</b>	14.01.2019
<b>DO responded on</b>	No response
<b>Appeal to RTIC filed on</b>	07.03.2019

**Brief Factual Background:**

The Appellant by request dated 14.03.2018 had requested following information.

1. Did the acting principal Mr. Sathasivam Nimalan of Jaffna Hindu College admit students who had obtained marks below the qualifying cut off point to Year 6 to the Jaffna Hindu College during the period 07/08/2014 to 22/08/2014?
2. If he did, how many students were admitted during the said period?
3. Does the said acting principal Mr. Sathasivam Nimalan have the authority to take such students, if any, who had not obtained sufficient marks above the cutoff point to qualify for admission to the Jaffna Hindu College, without the written permission from the Education Ministry.
4. Was written permission granted by the Education Ministry to the said acting principal Mr. Sathasivam Nimalan to admit such students?

5. If it was granted, can the Education Ministry produce documentary proof of it and if unable to do so, please state the reasons why it cannot?
6. Can the Education Ministry reveal the number of students admitted to Year 7 upwards during the period 07/08/2014 to 22/08/2014 by acting Principal Mr. Sathasivam Nimalan in the absence of an officially appointed principal?
7. Did acting principal Mr. Sathasivam Nimalan have the authority, during the vacuum that existed when the principal had retired on 06/08/2014 and a new principal was still to be appointed by the Education Ministry, to arrogate to himself the arbitrary right to admit students, the usual time being at the beginning of the year in January.
8. Furthermore Mr. Sathasivam Nimalan was to be transferred from Jaffna Hindu College thrice, in the years 2015, 2015, 2017, but he was not transferred. On what basis was his transfers stopped?

As the IO failed to respond within the time period stipulated under the Act the Appellant on 14.01.2019 lodged an appeal with the DO. As the DO too failed to respond within the time period stipulated under the Act the Appellant preferred an appeal to the Commission on 07.03.2019

**Matters Arising During the Hearing:**

Public Authority is present. The appellant is represented by a lawyer. The information is handed over before the commission.

**Order:**

The matter will be concluded thereby.

Order is hereby conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).

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