

The Right to Information Commission

R. Akhilan,
Thellippalai East,
Thellippalai

-Appellant-

RTIC App/No: 607/2022

Vs.

Ministry of Education,
Northern Provincial Council,
Chemmany Road, Nallur,
Jaffna

-Public Authority-

Before : 1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Justice Rohini Walgama (Rtd.) - Commissioner
3. Ms.Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
4. Mr.Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance : Appellant is present.
Public Authority represented by Mr. N. Patrick Niranjan, Senior
Asst. Secretary– via Zoom Technology.

Written Submission: Appellant : Not submitted
Public Authority : 18.08.2022

Date of Hearing : 15.09.2022

Decided On : 15.09.2022

Decision of the Commission:

Factual Background:

The Appellant by the request dated 07.01.2022, requested the below information,

“Explanation and copies thereof regarding items numbers 1, 2, 3 identified by me in their letter dated 24.12.2021”

1. *Why the Zonal Administration did not take any action regarding the letter dated 02.07.2014. (copy 1)*
2. *What is the reason for not taking action on the letter dated 28.05.2019? (copy 2)*
3. *Circular 22/93(iv) has been denied by the Zonal Administration. (copy 3, 4, 5)*
4. *You ask to pay but it says deduction from 12/2019 balance, the reason (copy 6)*

The Information Officer responded dated 10.01.2022 stating follow;

“From your information request, sending herewith copies of documents what we have.”

Further, the Information Officer forwarded the said information request to Director of Zonal Education, Vavuniya North with a copy to the Appellant by his letter dated 10.01.2022 stating follow;

“With regarding to the information request of Mr. Akhilan, we have provided some of them we have. Others are related with your Office. Accordingly, we are forwarding to take necessary steps regarding the other request for information under the RTI Rule 4(6).”

Dissatisfied with the response of the Information Officer, the Appellant appealed to the Designated Officer dated 29.01.2022.

The Information Officer responded dated 03.02.2022 referring the Appeal to the Designated Officer stating follow;

“Your requested information can be obtained from the Zonal Education Office, Vavuniya North. You are informed that requests related to questions (giving in writing) are not expected under Section 43 of the RTI Act.”

Dissatisfied with the above response, the Appellant preferred an Appeal to the Commission dated 11.03.2022.

In response to the notice issued by the Commission, the Public Authority has sent a letter dated 18.08.2022 stating follow;

- The Appellant’s request dated 07.01.2022 (registration no.NP/MOE/RTI/2022/001) has been responded (attachment 02) and provided copies (attachment 03, 04) of the documents maintained in our Office by our letter dated 10.01.2022.
- Other information requested by the Appellants is related with Zonal Education Office, Vavuniya North. Therefore, it has been forwarded to the relevant Public Authority by letter dated 10.01.2022 (attachment 05) with copies to the Appellant.
- However, the Appellant appealed (attachment 06) and it was responded by letter dated 03.02.2022 (attachment 07).

Consideration:

We carefully considered the submission made by the Public Authority. The Appellant submitted that the Public Authority did not responded to his said information request dated

07.01.2022. The Public Authority has sent a letter to the Director of Zonal Education Vavuniya North, directing them to provide the information requested by the Appellant. The Public Authority is of the view that said letter dated 10.01.2022 is a satisfactory response to the said information request. We are not in agreement with the said submission of the Public Authority. The said Public Authority is the ultimate authority which has the custody, control or possession of the said information requested by the Appellant. Therefore, we decide that the Public Authority should release the said information as requested by the Appellant by the said information request dated before 13.10.2022, with copies to the Commission.

The Director-General is directed to convey the decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.