



GOVERNOR'S SECRETARIAT, BIHAR
RAJ BHAVAN, PATNA - 800022

APPEAL BEFORE THE FIRST APPELLEATE AUTHORITY UNDER SECTION 19 OF RTI ACT
APPEAL NO - 75 / 2024-25

Shri Ajay Kumar Tiwari 'Munmun', Vill.- Mahatma Gandhi Nagar, Katira Talab, Ara- 802301
..... Appellant

Versus

Public Information Officer, Governor's Secretariat, Bihar, Patna

..... Respondent

| Sl. No. | Date | ORDER |
|---------|------------|---|
| 01 | 21.10.2024 | <p>The PIO, Governor's Secretariat, Bihar is directed to submit the report whether the information sought by the appellant as mentioned in Prapatra-K, dated- 02.09.2024 is supplied to him or not?</p> <p>If the information sought by the appellant is not provided to him, then the Public Information Officer is directed to provide the information sought by the appellant in consonance with the provisions of RTI Act 2005.</p> <p>Put up with up to date action taken status report on 29.10.2024 for further hearing.</p> <p>Let it be informed to all the concerned.</p> <p><i>[Signature]</i> 21/10/24 University Inspector -Cum- First Appellate Authority</p> |

Memo-1849.....

Date-21.10.2024

Copy to :- The Public Information Officer, Governor's Secretariat, Patna/
Shri Ajay Kumar Tiwari 'Munmun', Vill.- Mahatma Gandhi Nagar, Katira Talab,
Ara- 802301/IT Manager, NIC, Raj Bhavan for uploading it on website of Raj Bhavan.

[Signature]
21/10/24
University Inspector



GOVERNOR'S SECRETARIAT, BIHAR
RAJ BHAVAN, PATNA-800 022

FA No. ~~75~~ 2024-25

Shri Ajay Kumar Tiwari ('Munmun'), Mahatma Gandhi Nagar, Katira Talab, Ara,
District-Bhojpur, PIN-802 301

versus

The Public Information Officer, Governor's Secretariat, Bihar, Patna
(Under s.-19 (1) of the RTI Act, 2005)

| Sl. No. & Date | ORDER | Action Taken on the Order- with Date |
|-------------------|--|---|
| 02 11.02.25 | <p>In continuation of the order dated-21.10.24, the PIO is hereby once again directed to submit a report as to:</p> <ol style="list-style-type: none">I. whether the information sought by the appellant has earlier been provided to the appellant or not; andII. if the information sought by the appellant has not been provided earlier, then provide the requested information within five working days, if not barred/covered by the provisions in Section-8 or Section-9 or Section-10 or Section-11 of the RTI Act, 2005.III. The appellant is requested to send his written comments on the information provided, or not provided, by the PIO thus far within five working days from the date of receipt of the reply of the PIO enumerating therein the reasons for/bases on which he is not satisfied with the reply of the PIO and in case he is not satisfied with the reply given by the PIO, he may also appear before the undersigned on 28.02.25 at 12.30 PM for hearing of the instant first appeal-either personally or through a duly-authorized representative who need not necessarily be a registered legal practitioner.IV. If the appellant fails to appear at the scheduled hearing of the instant appeal, it will be presumed that he is satisfied with the reply given | |

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| | <p>by the PIO, and, accordingly, the instant appeal will be decided on merits and in the light of documents available on the records of the instant appeal.</p> <p>V. The appellant is requested to bring with him a legally valid photo identity-card in original issued by the Central/State Govt. so as to enable the undersigned to request the Security in-Charge of Raj Bhavan to allow his entry to the official chamber of the undersigned located inside the Raj Bhavan Premises as per the established security protocol of the Raj Bhavan.</p> <p style="text-align: right;">Sd./- (Sanjay Kumar Mishra) Under Secretary (Legis.) & First Appellate Authority</p> | |
|--|--|--|

Memo No.-75 (RTI)/2024-25- 336 /GS-III/Patna

Dated-13 February, 2025

Copy to:

1. Shri Ajay Kumar Tiwari ('Munmun'), Mahatma Gandhi Nagar, Katira Talab, Ara, District-Bhojpur, PIN-802 301; and
2. The Public Information Officer, Governor's Secretariat, Bihar, Patna for information and necessary action; and
3. The IT Manager, Governor's Secretariat, Bihar, Patna for uploading on the official website of Raj Bhavan.

SA
11.02.25
Under Secretary (Legis.) & First Appellate Authority



GOVERNOR'S SECRETARIAT, BIHAR
RAJ BHAVAN, PATNA-800 022

FA No.-75/2024-25

Shri Ajay Kumar Tiwari ('Munmun'), Mahatma Gandhi Nagar, Katira Talab, Ara,
District-Bhojpur, PIN-802 301

versus

The Public Information Officer, Governor's Secretariat, Bihar, Patna
(Under S.-19 (1) of the RTI Act, 2005)

| Sl. No. & Date | ORDER | Action Taken on the Order- with Date |
|-------------------|---|---|
| 03 28.02.25 | <p>Both the PIO, Shri Kamalesh Prasad Sinha and the Appellant, Shri Ajay Kumar Tiwari are present.</p> <p>2. At the very start of hearing, the appellant in all fairness submitted that he is in receipt of letter no.-250 dated-16.10.24 of the PIO and two enclosures thereto bearing letter no.-209 dated- 22.01.2008 and letter no.-331 dated-23.01.2009. It was submitted by the PIO that his letter no.-250 dated-16.10.24 had provided complete reply to Query No.-1 of the Original Application dated-02.09.2024 of the appellant while other Queries related to all the Universities in Bihar and, was accordingly, transferred to the PIOs of all the Universities in Bihar. The appellant also fairly conceded this factual position.</p> <p>3. The PIO further submitted that the Universities in Bihar squarely fall under the definition of Public Authorities (the PA) in terms of Section-2 (h) of the RTIA, 2005, as they all are creatures of law, and all the Universities being separate and distinct PAs for the purposes of the RTIA, 2005, the PIO of one PA is nowhere supposed to collect the required information from the various other PAs and then provide it to the appellant. Hence, expecting or</p> | |

directing the PIO of one PA to do so runs counter to the scheme of the Act and as such contention of the appellant to collect, and thereafter provide, information which are either held by or the under the control of the PIOs of other PAs is not tenable under law. The appellant also accepted this position of law in his submission during the hearing.

4. In view of the submissions made by the PIO and the acceptance made by the appellant, the instant First Appeal is **disposed of** with the advice to the appellant that if he desires to seek information held by or the under the control of various PAs (that is, various Universities in Bihar), he may file separate applications for obtaining the information before the PIOs concerned of the related Public Authority.

5. If the appellant is not satisfied with this order, he may file a second appeal in terms of Section-19 (3) of the RTIA, 2005 before the Bihar Information Commission (**the BIC**) within the time-frame stipulated in the RTIA, 2005.

The Address of the BIC is as follows:

Bihar Information Commission
4th Floor, Soochna Bhavan,
Nehru Path (Bailey Road),
Patna-800 015.

Sd./-
(Sanjay Kumar Mishra)
Under Secretary (Legis.) & First Appellate Authority

Memo No.-75 (RTI)/2024-25- 610 /GS-III/Patna

Dated- /2 March, 2025

Copy to:

1. **Shri Ajay Kumar Tiwari** ('Munmun'), Mahatma Gandhi Nagar, Katira Talab, Ara, District-Bhojpur, PIN-802 301; and
2. **The Public Information Officer**, Governor's Secretariat, Bihar, Patna for information and necessary action; and
3. **The IT Manager**, Governor's Secretariat, Bihar, Patna for uploading on the official website of Raj Bhavan.

Under Secretary (Legis.) & First Appellate Authority