GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

CORAM: Shri Juino De Souza: State Information Commissioner

Appeal No.04/SCIC/ 2013 778

Shri Balkrishna D. Barde,
Asst. Teacher,
Sateri Vidya Mandir,
Ibrampur, Pernem - Goa

.....Appellant

v/s

1. Public Information Officer,
In-Charge Headmaster,
Sateri Vidya Mandir,
Ibrampur, Pernem – Goa.

2. The First Appellate Authority,
Director,
Directorate of Education,
Porvorim-Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 22-09-2016
Date of Decision : 22-09-2016

O R D E R

1. Brief facts of the case are that the Appellant vide his RTI application dated 20/6/2012 sought certain information from the Respondent PIO, Sateri Vidya Mandir, Ibrampur Goa. The information pertains to three points viz:

   (i) Interview minutes by him Shri Subhash V. Sawant selected for the post of full time Graduate Teacher

   (ii) Approval letter given by Directorate of Education as full time Grade Teacher.

   (iii) IBR/SSSEHS/F-10/87-99/18 dated 30/10/1987 written by the Directorate of Education.

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2. The PIO vide his letter first letter No. IBR/SVM/F-ADM.29/2012-13/57 dated 20/10/2012 gave a reply stating that with respect to points (i) and (ii) it is third party information and hence cannot be given and with respect to point no. (iii) the information is not available. Not being satisfied with the reply of the PIO, the appellant filed the First Appeal on 16/8/2012 and FAA vide order dated 01/10/2012 disposed the said First Appeal by directing the PIO to furnish the information to point nos (i) and (ii) of the RTI application within 15 days.

3. It is seen that subsequently information with respect to information to point nos (i) and (ii) have been furnished to the appellant by PIO pursuant to the directions of FAA vide letter No. IBR/SVM/F-ADM.29/2012-13/154 dated 25/10/2012. However being aggrieved that the information furnished is incorrect, the appellant filed Second Appeal on 05/07/2012.

4. During the hearing the Appellant is present. The Respondent PIO is represented by APIO Shri Subhash Sawant and the FAA is represented by Shri Dayanand Chowdikar , OSD-Legal.

5. The Appellant submits that the information furnished to him by the PIO is pertaining to the part time appointment of Shri Subhash Sawant and whereas the information sought was pertaining to full time appointment and that the PIO has intentionally given wrong information because he is same person against whom information is sought.

6. The Appellant further stated that he has received information from the office of the Director of Education regarding the full time appointment of Shri Subhash V. Sawant which is totally different from which was supplied to him by the respective PIO. The appellant finally submitted that the PIO should be directed to furnish the correct information regarding the correct full time appointment.

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7. The Respondent PIO per contra in his submission stated that correct information as what was available with the School Authority has been supplied to the appellant vide letter No. IBR/SVM/F-ADM.29/2012-13/154 dated 25/10/2012 including copies of the minutes of the meeting of the Selection Committee held on 30/06/1985 as also letter no DE/Acad.I/NEZ-Pe/SSPM/37/85-86/2700 from the Directorate of Education dated 06/09/1985,

8. The Respondent PIO contended that the appellant was an interested and aspiring party keen to be selected to the post and as he was not appointed, he out of vengeance against Shri Subhash Sawant who has been selected for the post is filing unnecessary RTI applications only with a view to harass the PIO.

9. The FAA in his submission maintains that the Order of FAA has been complied with the PIO and that nothing further survives in the Appeal case which may be disposed.

10. The Commission has perused the material on record including the RTI application, the reply and information furnished by the PIO, Order of the FAA, appeal memo and documents that have been collected by the appellant from the Directorate of Education which copy is taken on record of the file.

11. The Commission indeed observes that the PIO has furnished information as was available with the school public authority, besides as per the letter no DE/Acad.I/NEZ-Pe/SSPM/37/85-86/2700 of the Directorate of Education dated 06/09/1985 it is clearly stated that the appointment of Shri S.A. Shetave and Shri Subhash Sawant is approved by relaxing training qualifications in respect of Shri Subhash Sawant .

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12. The Commission therefore is of the considered opinion that the contents of the information collected by the appellant from another source i.e Director of Education may be different from what was supplied by the PIO, however the fact remains that the role of the PIO is to furnish information what is available and which has been furnished to the Appellant.

13. The Act requires the supply of such information only which already exists and is held by the Public Authority or held under the control of the Public Authority. It is beyond the scope of the Act for a Public Authority to create or supply information which is not held by it. Collection of information, parts of which are available with different Public Authorities, would amount to creation of information which a Public Authority under the Act is not required to do.

14. The Commission is satisfied that there is no malafide intention on the part of the PIO, besides it is not the case that the PIO has denied or concealed information. The Commission therefore comes to the conclusion that the PIO has not faulted in anyway. As the information 'whatever is available' has been furnished by the PIO nothing survives in the appeal case which accordingly stands disposed.

All proceedings in Appeal case stand closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Under Secretary cum Registrar
Goa State Information Commission

(Juino De Souza)
State Information Commissioner