

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

Appeal No. 47/SCIC/2016

Shri Sudesh Tivrekar,
Mapusa –Goa.

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Appellant.

V/s

1. The Public Information Officer/Head Master,
Dattaram Mantrawadi High School,
Mapusa.

2) The First Appellate Authority,
Dy. Director of Education,
Education Zone,
Mapusa-Goa.

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Respondents.

CORAM

Shri Prashant S.P. Tendolkar, State Chief Information Commissioner,
Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 15/03/2016

Disposed off: 04/01/2017

1) FACTS:

a) The appellant herein by his application, dated 5/1/2016, filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO to his 9 points.

b) The said application was replied on 05/02/2016 stating that same cannot be furnished as the same is objected by the person, pertaining to whom the information was sought. Hence the appellant filed first appeal.

c) The First Appellate Authority (FAA) by his undated order, directed the PIO to furnish the information at points 1 and 2(i) of the said letter.

d) The appellant being not satisfied with the order of F.A.A., has therefore landed before this commission in this second appeal u/s 19(3) of the act.

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e) Notices were issued to the parties, pursuant to which they appeared. Initially the appellant appeared but since 22/09/2016 he ceased to appear.

f) The PIO filed the reply reproducing the above referred facts. The PIO submitted that the said reply be treated as her argument on the behalf of PIO.

2) FINDINGS

a) We have perused the records. While rejecting the prayers for information it was the contention of the PIO that the information, as was sought for, is a third party information and hence in view of the objection of the third party the same cannot be furnished. On perusal of the order of the First Appellate Authority it is seen that the FAA have not touched the said aspect whether the information sought was a third party information or not.

b) While rejecting the request, the PIO has taken shelter under section 8(1) (j) holding that the appellant has not shown the larger public interest justifying the disclosure of the information. In fact it was the requirement of the FAA to conclude that larger public interest was not involved in the information other than at 1 and 2(i). In the present case the First Appellate Authority has failed to consider this aspect and has not held that no such public interest is involved.

c) The public authority involved in this proceeding is undisputedly a Government aided school. It appears from the application that the appellant requires information pertaining to the criteria adopted for the admission of the students. The authority herein being involved in admissions for public its activities are public in nature and any information collected by this authority has a direct nexus to such public activity.

d) On further scrutiny of the application under section 6(1) it is seen that the appellant has sought for information which was already filed and hence existing with a public Authority i.e. the school. Thus the said information was already available with the public authority and it was required to be dispensed in case of a requisition from seeker. The information sought also cannot be said to be personal in nature like medical records etc. invading privacy. What is required by the appellant herein are the documents submitted by a party to a public authority for the purpose of deciding his eligibility of admission vis a vis other students. Hence there cannot be any secrecy to be maintained. The process for admission to a public authority should be transparent and also subject of scrutiny by public.

e) On going through the application, dated 05/01/2016 and in the course of submissions by parties it was informed by the appellant's representative that the information at point 1 and 2(i) have been furnished. On going through the application it is seen that the requisition at point 2(Viii) is vague. Hence the same cannot be ordered to be furnished. The appellant is entitled to have the information to the remaining points.

f) In the aforesaid circumstances we hereby dispose the present appeal with the following:-

O R D E R

Appeal is partly allowed. PIO shall furnish to the appellant the information as sought by him at point 2(ii) to 2(Viii) of the appellant's application, dated 05/01/2016, which are filed before the Public

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Information Officer i.e. the School. This information to be given to the appellant within 10 days from the date of receipt of this order, free of cost.

Parties to be notified.

Proceeding closed.

Pronounces in the open proceedings.

Sd/-

(Mr. Prashant S. Prabhu Tendolkar)
State Chief Information Commissioner
Goa State Information Commission
Panaji-Goa

Sd/-

(Ms. Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission
Panaji-Goa