

# GOA STATE INFORMATION COMMISSION

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

**CORAM: Shri Juino De Souza State Information Commissioner.**

**Complaint No. 181/SCIC/2011**

Shri Ashok Namdev Bhosle,  
A/p Ranjani, Tal:- Kavathe Mahankal,  
Dist:- Sangali,(M/S) 416 411  
State :- Maharashtra.

..... **Complainant**

**v/s**

1. Public Information Officer,  
Headmaster,  
Mata Secondary School No.1  
Baina, Vasco – Goa.

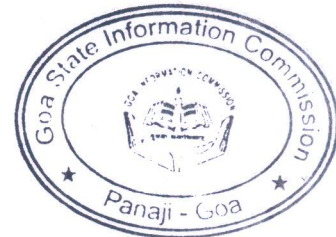
2. Director,  
Department of Education,  
Porvorim-Goa.

..... **Respondent**

**Relevant emerging dates:**

Date of Hearing : 12-07-2016

Date of Decision : 12-07-2016



## **ORDER**

1. Brief facts of the case are that the complainant had filed a complaint registered in this commission on 13/12/2011 against the PIO who is the headmaster of Mata High School, Vasco-da-Gama and the FAA, Director for Education FAA is also made a party. The grievance of the Complainant is that the PIO has knowingly provided misleading and incorrect information and in his prayer has sought direction that the PIO, Head Master, Mata High School should provide correct information and also for initiating disciplinary action, penalty etc.
2. The Complainant has enclosed along with his complaint memo an order passed by this commission on 11/10/2010 in his previous Complaint No. 493/SCIC/2010 in Appeal No. 75/SCIC/2010, however there is no copy of the RTI application. A letter dated 05/10/2011 addressed by the Complainant to the Dy Director, Dept. Of Education, Govt. Of Goa has also been attached to the complaint.
3. During the hearing the Appellant Shri Ashok Namdev Bhosle is present. The Respondent / Opponent No 1 PIO Mr. Subhash Shirodkar alongwith Adv. S. Sail is present. The FAA represented by OSD Legal D.N. Chawdikar is present however he has put up an appearance at the fag end of the hearing.

4. The Advocate for the Respondent / Opponent No 1. PIO submits that the Complainant had earlier filed a Second Appeal No. 75/SCIC/2010 which was disposed on 18/06/2010 and also Complaint No. 493/SCIC/2010 which was disposed on 11/10/2010 involving the same subject matter and as such the Complainant cannot agitate the same matter all over again and start another round of litigation.
5. The learned Advocate for the Respondent PIO further submits that correct information as was available was provided to the Complainant and denies that the information supplied was misleading and incorrect as alleged by the Complainant.
6. The Advocate also submitted that as per the instructions of commission the matter was taken up at the office of the Directorate of Education, Govt. of Goa on 12/4/2012 and 17/4/2012 and evidence the following documents were placed (i) Resignation letter of the Complainant. (ii) Order copy of the high Court dated 20/07/1999. (iii) Judgment copy of Administrative Tribunal dated 12/03/2007 and (iv) Letter copy of directorate of Education to the Complainant Ashok Bhosale dated 12/01/1992 and that the Director was satisfied with the same and which clearly points to the fact that the complaint is completely false.
7. Finally the Advocate contended that the Complainant has approach the commission with unclean hands and with malafied intention only to procure monetary advantage for himself and to harass the Respondent PIO and that pursuant to the interim order passed by this commission on 07/01/2015 it has been found that no further information of GPF contribution deductions by Navodaya Vidyalaya Samiti purportedly credited to his GPF account held the account of Mata School are available.
8. The Advocate submits a written declaration by the PIO, Head Master Mata School dated 12/07/2015 stating that information has been furnished fully and correctly as available from the school record as sought by the Complainant through his RTI applications on several occasions. The PIO has further stated in his declaration that if the complainant is not satisfied with the information furnished by the PIO, he still can approach the office of the PIO to inspect the files and apply for any more documents after paying the costs and has prayed to dispose the complaint which is taken on record.

9. Per contra the Complainant maintains that the information furnished by the PIO is incorrect and misleading and that his service book has not been updated and that an interim order was passed by this commission dated 07/01/2015 and that his name is not on the muster roll for that period.
10. The Commission on scrutiny of the file observes that pursuant to the instructions of the commission (CIC) there is an order passed by Respondent /Opponent No 2. FAA, Dy Director of Education dated 25/04/2012 where after hearing both the parties it has been held that there is no substance in the matter of Shri Ashok Bhosale. There is on record a reply filed by Respondent / Opponent No 1 dated 05/06/2012 which confirms with the submissions made by the learned advocate as enumerated in para 6 above.
11. The commission finds that the complainant has addressed several letters to the commission. A reply dated 09/07/2012 contains extraneous matter not connected with the Complaint. A letter dated 01/09/2014 also contains irrelevant matter and in para 3 states ' I strongly believe that my original service book has my fingerprints and photo, however the book that is provided to this office is false one it is not the one that was maintained while I was serving in the school. The Head master of the School and the Deputy Director of Education (academic) have jointly provided wrong information to your office, and I strongly detect the falsified information given your office. There is another letter dated 27/12/2014 also addressed to the which is pointless.
12. The following are information documents that were supplied to the complainant which are on record of the file: Appointment letter from Chowgule Education Association dated 19/09/1983, Relieving order 18/07/1988, letter from Navodaya Vidyalaya Samiti Pune, dated 07/05/1991, Letter from Jawahar Navodaya Vidyalaya, Borkhadi, Surat, Gujarat dated 14/09/1991, letter from Dy Director of Education, Niranjn Singh, dated 20/05/1993, GPF individual Ledger copy for year 1990-91 to 2010-1, Mata School Muster roll copies.
13. The commission has also perused the interim order dated 07/01/2015 passed by this commission without referring to the RTI application giving the background of the complainant who was a P.T. Teacher employed with Mata secondary school Baina and after working there for 4-5 years he opted to go on deputation for 2 years to a Novodaya School (which runs under control of Government of India).

14. It is seen that the Complainant had earlier filed a complaint and appeal in the year 2010 pertaining to the same subject matter and which has been decided by the Commission and as such the Complainant is barred from agitating the same matter again under Res Judicata. That apart it is seen from the records that all information as was available in the school records have been furnished to the Complainant and which is sufficient to prove the bonafide that the PIO has acted reasonably and diligently and that information given was as available and as it existed as per the records and which is the mandate of the RTI Act.
16. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the Appellant. The PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Appellant.
17. It is not a case where the PIO has denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information.
18. The Complainant has been insisting that the Public Authority, Mata High school should be directed to update the service book and give it to Complainant him and which directions are beyond the scope of this commission. The Complainant has not enclosed any copy of the RTI application nor has mentioned the grounds for filing the complaint and has prayed that the PIO be directed to provide adequate correct information.
19. The Hon'ble Supreme Court in CIC vs. State of Manipur & Ors has held that the procedure contemplated under Section 18 of the Act was altogether different from the procedure contemplated under Section 19 of the Act and the commission has no power to issue directions to furnish information in a complaint under section 18 of the RTI act 2005 and which is remedy is available under section 19 (3) in an appeal case.
20. The Complainant is also asking information about his earlier employment with Jawahar Navodaya Vidyalaya, Borkhadi, Surat, Gujarat from the PIO of a Public Authority located in the State of Goa and which is not permissible because of territorial jurisdiction. The Complainant should have filed an RTI application directly with the Novodaya Vidyalaya located at Surat instead of seeking the same from the PIO at Goa.

21. The Commission comes to the conclusion that indeed all information as available with the Mata Secondary school was furnished to the complainant on several occasions and yet the complainant has approached the commission for the third time on the same subject matter. The Complaint is devoid of any merit and stands dismissed.
22. The Complainant is however granted liberty to approach the office of the Respondent PIO and carry out fresh inspection of the relevant files within 60 days of the date of this order latest by 14<sup>th</sup> September 2016 before 3.00pm if he so desires. In such an event the PIO will extend full cooperation in supplying the information to the Complainant after collecting payment of necessary charges / fees.

All proceedings in the complaint 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.



*sd*  
**(Juino De Souza)**  
**State Information Commissioner**

*msd*