

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

**CORAM: Smt. Pratima K. Vernekar,
State Information Commissioner**

Appeal No. 119/SCIC/2014

Dr. Kalidas Prakash Vaingankar,
H. No. 138, Rua De Maria,
Sancoale, Cortalim,
Goa-403710

.....Appellant

V/s

1. Smt. S. J. Chari,
The Public Information Officer/
Asst. Registrar Exam (PG)
Goa University, Taleigaon Plateau-Goa
 2. Professor N. S. Bhat,
The First appellate Authority,
Goa University,
Taleigaon Plateau-Goa
-Respondents

Appeal filed on: 07/11/2014

Decided on: 02/06/2016

ORDER

1. By an application dated 23/06/2014 the Appellant, sought from Public Information Officer (PIO)/Respondent No. 1 certain information as listed at Sr. No. 1 to 3 therein regarding certified copies of answer books of his LLB, Degree Semester II examination, of Sunisha Bhaskar Thari of Semester I and of Nidhi Natekar of Semester II held in 2014.
2. Reply was filed by the Public Information Officer (PIO) on 21/07/2014 intimating him that the information at Sr. No. 1 will be provided after the declaration of the revaluation result on payment of prescribed fee and information at point No. 2 & 3 were denied to him on the ground that the said was pertaining to third party and the third party has objected for the same.

3. The PIO after the revaluation result were declared informed the Appellant vide their letter dated 30/07/2014 to collect the photocopies of the answer script by making the payment specified there in the said letter and accordingly the information pertaining to point No. 1 was collected by the Appellant.
4. Being not satisfied by the reply of PIO with regards to information at point No. 2 and 3 of his application, the Appellant then preferred first Appeal before FAA on 30/07/2014. The First Appellate Authority passed an order on 18/08/2014 upholding the view of PIO.
5. Being aggrieved by the Order of the First Appellate Authority, the present appeal came to be filed on 07/11/2014 u/s 19 (3) of RTI Act. After notifying the parties the matter was listed on board and taken up for hearing. Appellant though served opted to remain absent and has filed application dated 8/02/2016 requesting this Commission to decide the second Appeal based on the memo of Appeal and reply of Respondents and has quoted section 7(2) of the Goa State Information Commission (Appeal Procedure) Rules 2006.
6. During the several hearings Respondent No. 1 was represented by Advocate Agni, and Respondent No. 2 represented by Legal Assistant Talkar. Written statement on behalf of Respondent No. 1, PIO was filed on 10th March 2016 along with the annexures. Advocate Agni argued on behalf of PIO and the Respondent No. 2 adopted the arguments of Respondent No. 1.
7. I have considered arguments advanced by Respondent No. 1 and also the documents on Record. Advocate Agni, submitted that in her reply at para 5 & 7 has specifically stated that information in respect of information sought at point No. 2 and 3 were pertaining to third party information and the disclosure of the same were

objected by the Students concern. During the arguments Advocate also pointed out the letters made by the Assistant Registrar Exam PG/PIO to the Respective Students and the replies given by those concern students. It is seen from the reply of concern students that they have sought the exemption as per section 8 clause 1 sub-clause (e) and objected for furnishing the same.

8. The Advocate for the Respondent also pointed out para 13 of the written statement therein and the Circular dated 2/05/2005 of Goa University at exhibit B and submitted that as per the above circular the examination related records are only maintained for the period of 6 months and that in pursuant to the said circular in the present case also the answer books of the two students have been destroyed and as such information is no longer available with the university. In short it is contention of Respondent No. 1, PIO that information at point No. 2 and 3 is not in existence and as such providing such a information does not and cannot arise.
9. In my considered view the PIO can legitimately provide only that information which is available with the Public authority and the PIO cannot be expected to create or generate the information only to satisfy the whims and fancies of Appellant.
10. Since the information at point No. 2 and 3 is not in existence to my mind the same cannot be directed to be furnished.

In view of above following order is passed:

Appeal stand dismissed proceedings closed.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided under the Right to Information Act 2005.

Sd/-

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