

GOA STATE INFORMATION COMMISSION AT PANAJI

Seventh Floor, Kamat Towers, Patto, Panaji, Goa.

Appeal No.54/ SCIC/2015

Mrs. Mariaziata Afonso Principal,
Royale Secondary School,
Plot No. "O" Salilem Bhat,
Aradi Band Taleigao Goa.

.....Appellant

V/s.

1. Public Information Officer,(PIO)
The Assistant Director of Education(Academic),
Director of Education,
Porvorim Goa.
2. The First Appellate Authority,(FAA)
Dy. Director of Education,
Directorate of Education Porvorim Goa.
3. Shri Surendra Volvoikar,
Rukmini Niwas,
H.No. 398/1-A,
Tariwada, Marcel Goa. Respondent

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Appeal filed on :08/5/15
Decided on :16/01/2017

ORDER

1. The present appeal came to be filed by the third party Mrs Mariaziata Afonso on the grounds stated therein the said memo of Appeal. The appellant by the present appeal have prayed for quashing aside order passed by the Respondent No.2 First Appellate Authority on 15/4/2015 in first appeal No. 12/2015. And or in alternative to remand the matter back to the first appellate authority ,to be considered by him afresh in accordance with well settled principles of law.

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2. In the nut shell it is the case of the appellant is that the Respondent No.3 Shri Surendra Volvoikar by an application dated 14/1/2015 filed u/s6 (1) of Right to Information Act 2005 had sought certain information on 10 points as stated therein in respect of Royale High school situated at Taligao from public information officer of directorate of Education , Porvorim –Goa .who is respondent No.1 herein.
3. The said application was transferred by the Respondent NO.1 on 20/1/2015 to the public Information officer of Royal High school in terms of section 6 (3) of right to information Act 2005.
4. The public information officer of Royal secondary school vide letter dated 18/2/2015 informed the Respondent No.3 Shri Surendra Volvoikar that said information cannot be furnished to him as the same is exempted u/s 8 (1) e, g, and j of RTI Act 2005.
5. Being aggrieved by the reply of public information officer of Royal secondary school , the Respondent NO.3shri Surendra Volvoikar preferred first appeal before Respondent No. 2 First Appellate authority and the Respondent No. 2 FAA by an order dated 15/4/2015 directed Public information officer to provide the information within 15 days from the pronouncement of the order .
6. The Appellant as an third party have approached this commission by way of second appeal and claimed that being the information as was sought pertains to her ,it was covered under section 11 of the RTI Act 2005 and that order was passed with no opportunity of canvassing her case was awarded to her, as such she claimed that great irreparable loss and prejudice have been caused to her besides causing her injustice .
7. During the hearing the appellant represented by Advocate Aatish Mandrekar Respondent No. 1 PIO Shri Ishwar patil was present

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8. Respondent No. 2 was represented by Dayanand Chavedekar. Respondent No.3 Surendra voilvoikar was present only on two initial hearings .

Written Synopssis on behalf of appellant /third party came to be filed on 30/8/2016. In her written synopsis she has contended that the information sought is of personal nature and would invade her privacy. The appellant further contended that they have received copy of the order dated 30/6/2016 from Secretary Education, Director of Education Porvorim Goa appointing Shri nagrraj Honnakari to inquire into the affairs of Royal high School in the context of various complainant made by Surendra M. Voilkar regarding illegal recruitment of Mrs mariazita afonso and as such the same cannot be furnished in view of section 8(1) (h) of the RTI Act . It is the further contention of the appellant that a Respondent No. 3 had not disclosed any larger public interest as such the information cannot be claimed as a matter of right. It is the further contention of the appellant that the Respondent No. 3 is the husband of Sweta parab who is the ex-teacher of Royal High school and her services are terminated. The Respondent No. 3 Shri Surendra Volvoiker is trying to settle personal score with the appellant and his intention there is to cause harassment to the appellant.

9. Written submission also came to be filed on behalf of Respondent NO. 2 on 1/12/2016 affirming the facts hat the inquiry is pending and that the this commission may set aside.
10. The copies of both the written synopsis could not be furnished to the Respondent No. 3 as he was continuously absent.
11. No reply came to be filed on behalf Respondent No. 1 PIO so also by Respondent No. 3 Surendra Volvoiker substantiating their case . It appears that respondent No. 3 is not interested in contesting the proceedings.

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12. Since the appellant failed to show that larger interest involved in seeking the information and also since the inquiry is still pending, it would be not be appropriate on the part of the undersigned commission to impart the information pending inquiry .
13. Since it is the contention of the appellant that the first appeal was passed with total ignorance of law and facts and also did not follow the proper principal of law. The commission is also of a view that it is a fit case to remand the matter to the first appellate authority to hear the first appeal a fresh in accordance with well settle principal of law. Secondly this commission feels it appropriate since the Respondent No. 2 FAA was also partly to inquiry would be in better position to appreciate the facts and to decide the matter .
In the above given circumstances the following order is passed .

ORDER

The order passed by the Respondent No. 2 FAA 15/4/2015 is hereby set aside matter is remanded back to Respondent First Appellate Authority with direction to hear and decide the matter a fresh in accordance with well settled Principals of law within 45 days from the date of the receipt of the order.

The Parties i.e. the appellant and Respondent No. 1 PIO and Respondent NO. 3 Surendra Volvoikar shall appear before First appellate authority on 6/3/2017 at 3.30. P.M.

Notify the parties.

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

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

Pronounced in the open court.

Sd/-

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