

GOA STATE INFORMATION COMMISSION

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

Appeal No. 60/SIC/2015

Shri Sadanand Paul,
A-1, Via Manihari,
Doist Katihar,
Post Nawabganj Bihar.

..... Appellant

V/s.

1. Public Information Officer
Head department of mathematics,
Goa University.

2. First Appellate Authority
Goa University,
Taleigao Plateau, Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 17/12/13

Decided on: 28/7/2017

1. Brief facts of the present appeal are that the Appellant Shri Sadanand Paul by his application, dated 26/10/13 filed u/s 6(1) of the Right to information ACT, 2005 sought certain information from the PIO of Goa university pertaining to his mathematics research paper submitted / forwarded to H.O.D, mathematics of Goa university on 3.9.13 for verification and publication in the mathematics journal of the Goa university .
2. The said application was replied on 8/11/13 by the Head of the Mathematics department interalia informing him that he is not the editor of any journal as such the said letters are not usually replied .
3. Being not satisfied with their reply of PIO, the Appellant preferred 1st appeal with the respondent NO.2 FAA on 26/11/13 and filed the present second appeal on 17/12/13 before this commission on the ground that he has not received any information.
4. After notifying the parties , the matter was listed on board and was taken up for hearing .In pursuant to the notice of this commission

appellant opted to remain absent .Respondent No.1 PIO was represented by Adv Agni .

5. Reply filed by the respondents on 28/6/17 .The copy of the same could not be furnished to the Appellant on account of his continuous absence .
6. In view of continuous absence of appellant , the commission had no other option to decide the matter based on the records available in the file .
7. Vide reply 28/6/17 , the Respondents contended that the respondent university does not publish any journal in mathematics nor any expert available dealing with prime numbers who can verify the work of the appellant It was further contended that the verification or the opinion in respect of his work does not come within the purview of RTI Act .It was further contended that the application under RTI Act dated 26/10/13 has been duly replied by the Respondent well within stipulated time.
8. On scrutiny of the records it is seen that the application filed by the Appellant is very vague and extremely unclear . He has not specified in clear terms what was the information he had sought for and was required by him. It appears that he was seeking for some reply or some report on his said article . The role of PIO is to furnish the information as available on record .He is not bound to create the information for the purpose of furnishing the same to the information seeker. The said observation of mine is based on the ratio laid by the Apex court in civil appeal No.6454 of 2011 : Central Board of Secondary education v/s Aditya Bandopadhyaya.
9. Be that as may be ,the record relied by the Appellant himself reveals that the first appeal was filed by him on 26/11/13 , which according to the Respondent No.2 FAA it was received by them on 2/12/13. The first appellate authority is required to dispose it within 30 days or maximum by 45 days u/s 19(1) of the RTI Act, 2005. In the present case the First Appellate Authority has disposed the said appeal well

within time by an order dated 15/1/14. The present second appeal has been filed by the appellant before this commission on 17/12/2013, much prior to the decision of Respondent NO.2FAA that too without waiting for stipulated period as contemplated u/s 19(1), I am of the opinion that the present appeal appears to have been filed prematurely and as such not maintainable and liable to be dismissed .

10. Never the less, the Respondent vide their reply dated 28/6/17 filed before this commission at para 3 have come out with an clear reply which in my opinion the queries of the appellant have been duly replied. The Appellant if so desired may collect the copy of said reply from the office of this commission .

Appeal disposed accordingly . Proceedings stand 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 against this order under the Right to Information Act 2005.

Pronounced in the open court.

Pronounced in the open court.

Sd/-

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

