

GOA STATE INFORMATION COMMISSION

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

Appeal No. 26/SCIC/2016

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

Shri Bandhagit Nadaf,
No,9, 3rd Floor, Paes Avenue Bldg.,
F. L. Gomes Road,
Vasco-Da-Gama –Goa. Appellant.

V/s

- 1) The State Public Information Officer,
Mrs. Sharada Naik Headmistress/SPIO,
O/o The Municipal High School Vasco,
Vasco-da –Gama-Goa.
- 2) The First Appellate Authority,
Shri M. R. G. D'Souza,
Dy. Director of Education,
South Education Zone,
Margao-Goa. Respondents.

Filed on: 17/02/2016
Disposed on:06/02/2017

1) FACTS:

a) The appellant herein by his application, dated 13/10/2015 filed u/s 6(1) of The Right to Information Act 2005 (Act) Sought certain information from the Respondent No.1, PIO under thirteen points therein as also for inspection of records.

b) The said application was replied on 12/11/2015. However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent No. 2 on 23/11/2015.

...2/-

c) The First Appellant Authority (FAA) by order, dated 27/01/2016 dismissed the said appeal.

d) The appellant has therefore landed before this Commission on this second appeal u/s 19(3) of the act.

e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 03/08/2016 had filed a reply to the appeal.

f) When the matter came up for arguments, it was found that some of the information as sought was vague and lacked in required details. Hence it was felt that information with specific details be sought after inspection. Accordingly parties agreed to arrange for an inspection. On the subsequent date of hearing the advocate for PIO submitted that the required information would be furnished and hence the date for compliance or arguments was fixed. In spite of the same and though the advocate for PIO was instructed that on the next date that the matter shall be heard, the PIO and his advocate remained absent. Hence arguments of appellants were heard. In spite of opportunities to the PIO no arguments were advanced. Hence we are proceeding to dispose the present appeal base on the records.

2) FINDINGS:

a) We have perused the records and the nature of information sought. On going through the application it is seen that the appellant in his application at point (5) has sought vague information . Appellant admits the same.

Again the information at point (11) the information sought is in the form of opinion. In these circumstances the information at point (5) and (11) need not be given as it could not be termed as 'information' under the act.

b) Regarding the information at points (1) to (5) to (10) and (13) the information sought is in the form of copies of documents. At (12) is the list of names and designation of teaching and non teaching staff is sought.

c) According to PIO vide her reply u/s 7(1) dated 12/11/2015, the information at point (6), is answered as not existing hence nil and as to point (11) the information is that it will be initiated. According to PIO the point no. (13) is vague. Regarding the information at point 1 to (5) , 7 to 10, 12 and 14 the PIO states that it is exempted u/s 8(1) (j) of the RTI Act 2005.

d) The Public Authority pertaining to which information is sought is a school, aided by Government. Hence all its functions and activities are public in nature. Hence the spacious and baseless plea of the PIO that it is exempted u/s 8(1) (j) is totally unwarranted and misplaced. No activity of the public authorities can be private and beyond disclosure except those seeking disclosure of personal details of parties. The documents sought like educational certificate, and other documents filed for seeking employment is certainly available for public scrutiny.

e) considering this background pertaining to the Public Authority involved herein and the application filed u/s 6(1) of the act, we find that the appellant is entitled to have the information as sought by him except to his point No.(5) being vague and point No.(11) being in the form of opinion. None of the other information is exempted from disclosure.

f) coming to the order passed by the FAA, it appear that the FAA has adopted a very casual approach in dealing with the appeal. We find no application of mind. The entire order

appears to be based on the version of the PIO. Irrespective of the absence of appellant before him it was necessary on the part of PIO to verify for himself the nature of information sought. The FAA by picking out the 'query' as quoted in the appeal memo has concluded that a query does not come under the purview of RTI Act. Without concluding for himself as to how it is a query. The order of the FAA appears to be perverse and deserves to be set aside.

g) Considering the above and the nature of application u/s 6(1) of the act, we find that the appellant is entitled to have the information and hence we dispose the present appeal with the following.

O R D E R

The appeal is partly allowed. The PIO shall furnish to the appellant the information sought by him vide his application dated 13/10/2015 except at points (5) and (11) therein, free of cost, within ten days of receipt of this order.

Parties to be notified.

Proceedings closed.

Pronounced in 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