

**GOA STATE INFORMATION COMMISSION**

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

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**Shri Prashant S. P. Tendolkar**  
**Chief Information Commissioner**

**Appeal No.72/SCIC/2017**

Mr. Rohit Ramesh Halornekar,  
r/o H. No. 83, Bhandar Wado,  
Penha-de-Franca, Bardez – Goa.  
Post Office Betim 403 101.

..... Appellant

V/S

The Public Information Officer,  
Chairman Alorna Panchyakroshi High School,  
Alorna- Pernem, Goa. 403 503.

..... Respondent.

Filed on :06/06/2017

Disposed on:13/10/2017

**1) FACTS:**

a) The appellant herein by his application, dated 09/02/2017 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under twenty (20) points therein.

b) The said application was replied on 02/03/2017. However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2, being the First Appellate Authority(FAA).

c) The FAA by order, dated 04/05/2017, allowed the said appeal and directed PIO to furnish the information within 7 days from date of receipt of said order.

d) In spite of said order the appellant has not been furnished the information and hence the appellant has landed before this commission in this second appeal u/s 19(3) of the act.

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e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 26/09/2017 had filed a reply to the appeal. Adv. S. Naik appeared for appellant and Adv. M. Amonkar for PIO. Arguments were heard.

**B.FINDINGS:**

a) I have perused the application filed by the appellant under section 6(1) of the act. On going through the same the information which is sought can be classified into three classes. The information at points **1, 2, 3, 5, 7, 9, and 12** pertains to the total number of students in the school or in the respect of certain class for respective years. The information sought at points **14 to 20** pertain to the leave availed, timetable of the school, work load, education qualification, which were not furnished. And the information at points **4, 6, 8, 10, 11 and 12** was in the form of copies of Birth certificates and earlier school leaving certificates of the students.

b) According to the appellant through the information at **points 1, 2, 3, 5, 7, 9, and 12** is furnished, the same is not correct. However, the appellant has not substantiated this grievance by any other document to show that it is wrong. For concluding that the said information is incomplete or wrong, it was necessary for appellant to show the deficiency in such information. In the absence of any such evidence, even prima facie, I am unable to hold that the information at said points numbers 1, 2, 3, 5, 7, 9, and 12 is false or incomplete. However the same can also be ascertained by the appellant by physical verification by inspection.

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c) Coming to the **points 4 ,6, 8,10 ,11 and 12**, the information therein is by way of certified copies of the birth certificate and the school leaving certificates from the earlier schools obtained by the student while seeking admission. Such information is personal in nature and does not involve any public interest. Such records also may contain some personal details or remarks of the concerned student such remarks requires the protection of its privacy. I am fortified in this view on the basis of the ratio laid down by the Hon`ble Supreme Court in **Civil Appeal NO.22 of 2009 canara Banks V/s C.S. Shyam & another.**

*"13) In Girish Ramchandra Deshpande's case (supra), the petitioner therein (Girish) had sought some personal information of one employee working in Sub Regional Office (provident fund) Akola. All the authorities, exercising their respective powers under the Act, declined the prayer for furnishing the information sought by the petitioner. The High Court in writ petition filed by the petitioner upheld the orders. Aggrieved by all the order, he filed special leave to appeal in this Court. Their Lordships dismissed the appeal and upholding the orders passed by the High Court held as under:-*

*"12. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notices and orders of censure/punishment, etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or*

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*public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right. 13. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information."*

*14) In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.*

*15) It is for these reasons, we are of the considered view that the application made by respondent No.1 under Section 6 of the Act was wholly misconceived and was, therefore, rightly rejected by the Public Information Officer and Chief Public Information Officer whereas wrongly allowed by the Central Information Commission and the High Court."*

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Thus I hold that the information at said points Nos. 4, 6, 8, 10, 11, and 12, being personal cannot be obtained.

d) Coming to the information sought vide points 14 to 20, it is seen that the information therein pertains to the leave records of the staff as also the qualification required and the qualification held by certain staff members, copy of work load, timetable, the list of employees, the leave record and the attendant records. Such information does involve a public interest in respect of any institution engaged in public activity. This information hence is required to be dispensed by the PIO and I find no strength in the grounds raised by the PIO for not furnishing the information at said points numbers 14 to 20.

e) I have considered the arguments of the advocates. I am unable to subscribe to the submission of Adv. S. Naik that the entire information involve public interest. As pointed above, the information at points 4, 6, 8, 10, 11 and 12 does not involve any public interest.

The advocate for PIO in its reply, which is later adopted as the submission on behalf of PIO, has submitted that the information sought is personal information and has no relationship to any public activity. As stated above the information at points 14 to 20 does involve public interest and the said information is maintained in the course of public activity.

f) Considering the above submissions and my finding as above, I hold that the information at points 1, 2, 3, 5, 7, 8 and 12 is furnished. However, the appellant shall be entitled to inspect the record to ascertain the veracity thereof by seeking inspection of

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the records if he wish so. The information at points 4, 6, 8 , 10, 11 and 12 being personal in nature and not involving any public activity the same can not be ordered to be furnished under the act. The appellant is entitled to have the information at points 14 to 20 being maintained in the course of public activity.

In view of the above, discussion, I dispose the present appeal with the following:

### **O R D E R**

The appeal is partly allowed. The PIO shall furnish to the appellant with the copies of the information sought by the appellant at points/para Nos. 14 to 20 of his application, dated 9/2/2017 free of cost within FIFTEEN DAYS from the date of receipt of this order by him.

The appellant is entitled to seek inspection of records free of cost pertaining to points Nos.1, 2, 3, 5, 7, 9 & 12, by filing application within fifteen days from the date of receipt of this order by him.

The requirements of the appellant vide remaining points/paras of his application, dated 9/2/2017 is rejected.

Considering the facts and circumstances rest of the prayers of the appellant are rejected.

Notify the parties.

Proceedings closed.

Pronounced in the open proceedings.

Sd/-

**(Mr. Prashant S. P. Tendolkar)**

State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa