

**BEFORE THE GOA STATE INFORMATION COMMISSION**  
**Seventh Floor, Kamat Towers, Patto, Panaji, Goa.**

**Complaint No.45/SCIC/2016**

**Anthony Da Piedade Fernandes,**  
54-C, Xell, Bestora,  
Bardez – Goa.

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**Complainant**

**V/s**

**1) Public Information Officer,**

Don Bosco College,  
Panaji – Goa.

**2) First Appellate Authority,**

Don Bosco College,  
Panaji – Goa.

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**Opponents**

**Filed On :12/09/2016**

**Disposed On : 25/04/2017**

**1) FACTS :**

- a) The Complainant herein by his application, dated 03/11/2015 filed u/s 6(1) of The Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO.
- b) The said application was not responded to by the Respondent No.1 within time and as such deeming the same as refusal Complainant filed first appeal to the Respondent No.2.
- c) The First Appellate Authority (FAA) did not respond to the said appeal nor heard the same.
- d) The Complainant has therefore landed before this Commission in this complaint u/s 18 of the Act.
- e) Notices were issued to the parties, pursuant to which the Respondent no.1 appeared. Complainant failed to appear inspite of service on him.
- f) Respondent No.1 was represented by Adv. P. A. Fernandes who filed reply to the complaint on 17/03/2017. He also filed

written submissions in the proceedings. The Appellant has not filed any submissions nor has participated in the proceedings inspite of the opportunity.

- g) In the reply filed by the Respondent No.1 it is its contention that Don Bosco college, Panaji is a private institution and is not funded by the Government. It is also a minority institution u/s 30 of the constitution within the meaning of 2(g) of the National Commission for Minority Education Institution Act 2004. The Respondent school is not a public authority within meaning of Act and that the information sought is not coming under the purview of Act.
- h) In spite of granting opportunity the Appellant failed to appear. The Respondent No.2 filed his written submissions. Vide his said submissions, the Respondent claims that it is not a public authority u/s 2(h) of the Act. By relying on several judgments of High court Uttarakhand, that of Apex Court he submitted that being a private institution Respondent institution is not bound to disclose information.

It is also the contention of the Respondent No.1 that the information sought for does not constitute information 2(f) and is also exempted u/s 8(1) (J) of the Act being private information.

## **2) FINDINGS :**

- a) I have perused the records as also the case laws relied upon by the Respondent No.1. A perusal of the application filed by Appellant u/s 6(1) of the Act, shows that the information sought pertains to the interview for the post of lecturer.

It is the contention of the Respondent No.1 that it is a private entity and registered as a minority institution. This

contention are not disputed by the Appellant. Appellant has not produced any records even suggesting that the Respondent institution is a public authority, within the meaning of section 2(h) of the Act.

- b) Be that as it may, in some cases the Act provides that even in cases of private institutions, the records which are required to be filed to a public authority, can be obtained through such public authority which controls the functioning of the private institutions.

In this case there is nothing on record filed by the Appellant that the records like that of the names of interviewers their qualifications are required to be recorded with any public authority.

- c) Considering the above position of law and the undisputed status of the entity involved, I find that the records and the information cannot to be in the public domain and the information does not come under the purview of the Act.
- d) The similar is the ratio laid down by the High Court of the Uttarakhand in the various writ petitions decided by it and relied upon by the Respondent No.1.
- e) In the case of Girish Deshpande v/s Central Information Commission and others, as relied upon by Adv. Fernandes, the ratio laid therein is that the private information, though held by a public authority, if does not involve any public activity, the same cannot be disseminated as it would involve invasion on privacy.

The above ratio may not be severely applicable in the instant case as the information sought is from a private entity only, which is not an entity liable for scrutiny under the Act,

but facts remains that the information sought is a private information.

- f) Considering the status of the Respondent entity, from whom and pertaining to whom, the information is sought , I hold that it is not a public authority within the meaning of section 2(h) of the Act. Consequently the complainant is not entitled to seek any information under the Act.

In the backdrop of the above position of law, I find no substance in the complaint. The same is therefore disposed with the following :

**ORDER**

**The Complaint is dismissed. Notify the parties.**

**Pronounced in open proceedings.**

**Proceedings closed.**

Sd/-

**Mr. Prashant S. P. Tendolkar**  
State Chief Information Commissioner  
Goa State Information Commission,  
Panaji-Goa