

GOA STATE INFORMATION COMMISSION

Kamat Tower, Seventh Floor, Patto Panaji-Goa

Appeal No. 144/2018/SIC-I

Shri Shrikant S. Vengurlekar,
H.No. 92, Deulwada,
Korgaon, Pernem Goa.

.....Appellant.

V/s.

1. Public Information Officer (PIO),
Vikas High School,
Valpe Virnoda, Pernem Goa.

2. The First Appellate Authority (FAA),
Deputy Director of Education,
North Education Zone,
Mapus Goa.

..... Respondents

CORAM:

Smt. Pratima K. Vernekar, State Information Commissioner

Filed on: 12/06/2018

Decided on: 28/08/2018

ORDER

1. The brief facts leading to the present appeal are that the Appellant Shri Shrikant Vengurlekar herein by his application dated 3/1/2018, Filed u/s 6(1) of RTI Act, 2005 sought certain information from the Respondent no. 1 PIO of the Vikas High School, Virnoda, Pernem Goa under four points as stated therein in the said application.
2. It is the contention of the appellant that the Respondent NO. 1 PIO failed to furnish the said document as sought by him within stipulated period of 30 days and that he received reply of PIO on 8/2/2018 informing/requesting to collect the said information from the school clerk cum Librarian during any working hours .
3. According to the appellant in pursuant to the said letter he visited the school on 17/02/2018 and collected the said information. However according the appellant Respondent No. 1 PIO failed to

provide him the information by stating that he had received two registered A.D. letters on 10 January, 2018 and opening the envelope it was found by PIO that RTI application dated 6/1/2018 was in original and the other envelope Xerox copy of the said application dated 6/1/2018 was found in other envelope.

4. According to the appellant he being aggrieved by such an response of Respondent PIO and as he did not received the information as sought by him vide application dated 3/1/2018 , he preferred the first appeal on 26/2/2018 with Respondent No. 2 Deputy Director of Education, North Educational Zone at Mapusa, Goa being first appellate authority and who finally disposed the said appeal by an order dated 26/3/2018 by upholding the say of Public Information Officer (PIO).
5. Being aggrieved by the action of both the respondent herein the present appeal came to be filed by the appellant on 12/6/2018 interms of section 19(3) of RTI Act ,2005 thereby seeking directions to PIO for furnishing him information/documents as sought by him vide application dated 3/01/2018.
6. Both the parties were duly notified. In pursuant of notice of this commission the appellant appeared alongwith Advocate Nilesh Manerikar. Respondent No. 1 PIO represented by Advocate Abhijit Gosavi and respondent No. 2 was represented by Shri Dayanand Chawdekar.
7. Reply filed by Respondent No. 1 PIO on 14/8/2018 contending that the envelop purportedly containing the application under RTI Act was never received by Respondent PIO and therefore the question of not furnishing information does not arise. It was further contended that appellant have only annexed the postal receipt and not the registered card of having acknowledgment of the respondent no. 1 and therefore it is their contention the same was never delivered at the office of Respondent No. 1. It was further contended that the First appellate authority after considering the

aforesaid factual scenario has rightly come to the conclusion that the RTI application was never received by the Respondent no. 1 and the said appeal was dismissed.

8. The appellant undertook to produce the copy of the A.D cards bearing the acknowledgment of Respondent No.1 of having received his application which was posted by him on 3/1/2018 and accordingly he produced the acknowledgment cards by memo dated 28/8/2018. The copy of the same is furnished to the advocate for Respondent.
9. Advocate for Respondent submitted that there is nothing on record to show that the said Postal acknowledgment pertains to the application dated 3/1/2018 which is the subject matter of the present appeal. He further submitted that he had personally verified the inward book which was produced by the Respondent PIO before him for inspection and that he did not find any entry with regards to said application. However he volunteered to furnish him the requisite information if the fresh application is filed by the appellant . The advocate for the appellant submits that he desires to file the fresh application by hand delivery apprehending that Respondent may not acknowledgment the receipt of the same once again. Such an arrangement was agreed by the Advocate for the Respondent .
10. In the above given circumstances the following order is passed;

ORDER

- a) The appellant is hereby given liberty to file the fresh application in terms of section 6(1) of RTI Act to the Respondent no. 1 PIO and the Respondent no. 1 PIO is hereby directed to deal with the same in accordance with law.
- b) The right of the appellant to file appeal or complaint is kept open.

11. Appeal disposed Accordingly. Proceedings stands closed

Notify the parties.

Pronounced in the open court.

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.

Sd/-

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