

# GOA STATE INFORMATION COMMISSION

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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**Shri Prashant S.P. Tendolkar,**

State Chief Information Commissioner,

## **Appeal No. 17/2018/CIC**

Shri Savio Suraj Victoria,  
Add. 28, Khairikatem,  
Sanguem-Goa.  
403704

....Appellant

V/s

1) Public Information Officer  
Miracles High School,  
Sanguem Goa.  
403704

2) The First Appellant Authority  
The Central Education Zone,  
Directorate of Education,  
Panaji- Goa.  
403001

....Respondents

**Filed on: 12/01/2018**

**Decided on: 06/08/2018**

### **1) FACTS IN BRIEF:**

- a) The appellant herein by his application, dated 20/09/2017 filed u/s 6(1) of the Right to Information Act 2005 (Act for short) sought certain information from PIO, ADEI office, Directorate of Education, Sanguem Goa. PIO under several points therein. The said application was transferred to PIO, the respondent no. 1 herein, u/s 6(3) of the Act.
- b) The said application was not responded to by the PIO within time and as such deeming the same as refusal appellant filed first appeal to the respondent No. 2, being the First Appellate Authority (FAA).

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- c) The FAA by order, dated 14/12/2017, allowed the said appeal and directed PIO to furnish the information. In spite of said order, the PIO failed to furnish information.
- d) The appellant has therefore landed before this commission in this second appeal u/s 19(3) of the act.
- e) Notices were issued to the parties, pursuant to which they appeared. Initially PIO was represented by Adv. P. Velip but later failed to appear. No reply filed by PIO in spite of opportunity. In view of the absence of PIO and non filing of any reply to appeal by PIO, submissions of appellant were heard.
- f) It is the contention of the appellant that in spite of the order of the FAA, no information was furnished to him. He further contended that the application was actually filed to the office of ADEI but the same was transferred without any reason.

**2) FINDINGS:**

- a) Perused the records and considered the submissions. On perusal of the application dated 20/09/2017 it is seen that the appellant has sought the information from PIO of the office of ADEI regarding the documents granting relaxation to certain institution mentioned therein. Such relaxations are required to be granted by the Department of Education and should exist with the department. Hence the act of PIO office of ADEI to transfer the request to the PIO herein appears to be improper. If at all the information was not available with it, the same should exist with the department and hence the proper course

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would have been to transfer the same to the Directorate of Education and not to schools. The information sought was also pertaining to two schools apparently run by a common society.

- b) In fact the appellant has sought the information pertaining to a society and not to a school. In view of the transfer of application a misinterpretation of requisition of information has occurred. In the circumstances no liability could be affixed against the PIO herein.
- c) Considering the peculiar circumstances, this commission finds that in case the PIO is issued any order it may lead to a direction to furnish information which it may not hold and the order may be rendered infructuous . In this situation the appeal cannot succeed. The same is therefore disposed with following:

**ORDER**

The appeal is dismissed. However the right of the appellant to seek same information from the Department of education, Goa are kept open.

Proceedings closed. Notify the parties.

Pronounced in open proceedings.

Sd/-

**(Shri. P. S.P. Tendolkar)**  
Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa