

GOA STATE INFORMATION COMMISSION
'Kamat Towers', Seventh Floor, Patto, Panaji Goa

Shri Prashant S.P. Tendolkar,
State Chief Information Commissioner

Appeal No.15/2018/CIC

Mr. Jesus Victoria,
H. No.28, Khairkatem,
Sanguem-Goa. Appellant

V/s

- 1)The State Public Information Officer/
Asst. Public Information Officer,
Miracles High School,
Sanguem-Goa.
- 2)The First Appellate Authority,
The Central Education Zone,
Directorate of Education,
Panaji-Goa. Respondents

Appeal No.16/2018/CIC

Mr. Jesus Victoria,
H. No.28, Khairkatem,
Sanguem-Goa. Appellant

V/s

- 1)The State Public Information Officer/
Asst. Public Information Officer,
Miracles High School,
Sanguem-Goa.
- 2) The First Appellate Authority,
The Central Education Zone,
Directorate of Education,
Panaji-Goa. Respondents

Both Filed on: 12/01/2018

Both Disposed on:06/08/2018

O R D E R

As both the above appeals involve a common point, they
are disposed by this common order:

...2/-

1) In the course of hearing of the above appeals on 02/07/2018 the representative of the appellant pointed out that in view of lack of response to the appellants application u/s 6(1) of The Right to Information Act 2005 (Act for short) appellant preferred first appeal u/s 19(1) of the act to the respondent No.2 being the First Appellate Authority (FAA). He further submitted that the FAA, without going into the merits of the case and only on account of failure to remain present, dismissed the appeal.

2) As the PIO failed to appear, before this Commission and hence no version contrary to the same was available.

3) This Commission after perusal of the records finds force in the said submission of the appellant. On perusal of the order of the FAA, it is revealed that the said authority has dismissed the two first appeals dated 09/10/2017 and 10/10/2017 which had preceded these second appeals for default in appearance of the parties.

4) This commission observes that the act is envisaged to bring transparency in functioning of public authorities and in that direction to make as much information to be made available to the seeker. The applications filed by the seeker u/s 6(1) of the act indicates the requirements of the seeker and unless the disclosure is exempted u/s 8 and /or 9 of the act, The same has to be furnished. Though the commission in second appeal have several aspects to deal with, the FAA has the limited requirements of considering whether the information

...3/-

sought is exempted from disclosure. In this situation the pleadings of the parties could also suffice to deal with the first appeal.

5) The State Government has framed the Goa State Information Commission (Appeal Procedure) Rules 2006. Under rule 7(2) therein, option is granted to the appellant either to be represented by a representative or not to be present. Thus the intention is clear that notwithstanding the presence of parties, the appeal is required to be decided on merits.

6) Applying the same principal to the first appeals, the first appeal herein was required to be decided on the merits of the matter based on the records before it. The FAA herein has not considered the merits of the appeal before it, resulting in deprivation of a forum for the appellant to adjudicate his grievance. The order of the FAA herein therefore cannot survive being in violation of the legal requirements and hence is required to be set aside.

7) In the result the order of the FAA dated 10/11/2017 in first appeal No.1/2017 is set aside. The First Appellate Authority, Central Education Zone, Panaji Goa shall hear the said appeal afresh after notifying the parties and dispose the same on merits within the period prescribed under The Right to Information Act 2005.

Above appeals stands disposed accordingly. Notify the parties .

Proceedings closed.

Sd/-

(P. S. P. Tendolkar)

State Chief Information Commissioner
Goa State Information Commission
Panaji - Goa

