

# **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. 19/2018/CIC**

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

....Appellant

V/s

- 1) The 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 21/09/2017 filed u/s 6(1) of the Right to Information Act 2005 (Act for short) sought certain information from the PIO, ADEI office, Directorate of Education, Sanguem Goa who transferred the said request to the Respondent No. 1, PIO herein. The said application contained request on two points.

b) According to appellant 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).

c) The FAA by order, dated 14/12/2017, allowed the said appeal and directed PIO to furnish the information free of cost. According

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to appellant the information was not furnished inspite of said order.

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. The PIO was represented by Adv. P. Velip. In spite of granting opportunities to him no reply was filed by him or the PIO. Subsequently he also failed to appear and the arguments on behalf of appellant were heard.

## **2) FINDINGS:**

a) Perused the records and considered the pleadings and submissions of the appellant. The PIO has not offered any say inspite of availing opportunity to file it.

b) By his application, dated 21/09/2017 the appellant has sought the information being (i) the copy of instructions for maintaining attendance register and (ii) copy of circular issued by Directorate of Education regarding use of mobile phones in schools. There is nothing on record to show that the said application was at all attended to by PIO. The PIO has not shown any reason for not responding.

c) In the first appeal the PIO has remained absent personally but was represented by manager. The manager has submitted that the appellant was intimated to collect the information but according to appellant no such intimation was received. The FAA has finally directed PIO to furnish the information free of cost. According to appellant the information was not furnished inspite of the said order of FAA.

d) There is no other version available on record rebutting the claim of appellant. There are also no records to show that the information was at all furnished. The conduct of PIO before this commission is also indifferent and not in conformity with the

requirements of the act as he has not even bothered to present himself.

e) Considering the records, this commission finds that the information as sought does not come under the exceptions u/s 8 and/or 9 of the Act and is required to be furnished. Considering the stand of PIO before the FAA, the information exist and was offered to appellant. Hence this commission finds no illegality or infirmity in the order of the F.A.A.

f) In the above circumstances, this commission holds that the appellant is entitled to have the information as sought by him and hence the appeal is disposed with following:

**ORDER**

The appeal is allowed. The PIO is directed to furnish to the appellant the information as sought by his application, dated 21/09/2017 within **fifteen days** from the date of receipt of this order by him.

Proceedings closed. Notify parties.

Pronounced in open hearing.

**Sd/-**

**(Shri. P. S.P. Tendolkar)**

Chief Information Commissioner  
Goa State Information Commission  
Panaji –Goa