

**GOA STATE INFORMATION COMMISSION**

Kamat Towers, seventh Floor, Patto, Panaji, Goa

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

**Appeal No. 80/2018/CIC**

Mr. Jesus Victoria,  
28, Khairikatem,  
Sanguem, Goa-403704.

**...Appellant**

V/s

- 1) Public Information Officer,  
Miracles High School,  
Sanguem, Goa-403704.
- 2) First Appellate Authority,  
The Central Education Zone,  
Directorate of Education,  
Panaji-Goa-403001.

**...Respondents**

**Filed on: 09/04/2018**

**Decided on 14/11/18**

**O R D E R**

1) This is an appeal filed by appellant contending that the PIO has refused the information sought by him and that inspite of the order of the First Appellate Authority (FAA) the PIO again failed to furnish the same to the appellant.

2) The Chronology of events, as pleaded, is that appellant had sought information by his application u/s 6(1) of The Right to Information Act 2005 (Act) dated 14/11/2017 which was transferred to the PIO herein. The PIO in turn by his reply dated 11/12/2017 refused to furnish the information on the ground that the information sought does not come under The Right to Information Act. Appellant filed first appeal to the

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respondent No.2 herein who by order, dated 12/01/2018 directed PIO to furnish the information within a week from the date of receipt of said order. In spite of said order no information is furnished by PIO. The appellant therefore filed this second appeal.

3) On being notified by this Commission, Adv. P. Velip appeared on behalf of PIO, and sought time to file reply. In spite of granting time no reply is filed to the appeal. I am therefore left with no option than to proceed with the matter based on the records.

4) Perused the records. By his application u/s 6(1) of the Act the appellant has sought from PIO office of ADEI, Sanguem, certified copies of reports furnished by the school. Said PIO of the office of ADEI, Sanguem transferred the request to the PIO herein u/s 6(3) of the Act. It is nowhere the case of PIO herein that the said information does not exist. The information is rejected on the ground that the same are not public documents.

5) The act nowhere contemplates dispensation of information pertaining to public documents only. The information, which a citizen has an access is defined u/s 2(f) of the act as under:

*“2(f) “information” means any , material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in for”*

Considering the above provision, I find no justification in the ground for refusal of information by PIO. It is also seen from the order of the FAA that the PIO has failed to appear before it and has not explained as to how he justifies his reply dated 11/12/2017.

Even before this commission the PIO has not filed any say resisting the contention of the appellant. I therefore find that the information as sought has to be furnished as it does not come under any exceptions as contained in section (8) and/or (9) of the act.

6) In the above circumstances, I allow the appeal and hereby direct the PIO, Miracles High School Sanguem, to furnish to the appellant the information sought by him vide his application dated 25/09/2017, within 15 days from the date of receipt of this order, free of cost.

Proceeding closed.

Pronounced in open hearing.

Sd/-

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