

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No: 239/2019/SIC-II

Manjeeta X. Manerkar,
W/o. Gaurish P. Kerkar,
H. No. E-215, Fontainhas,
Panaji Goa.

..... Appellant

v/s

1. Public Information Officer/
Incharge Headmaster,
Shri Kamashi High School,
Thal, Shiroda, Ponda Goa.
2. The First Appellate Authority,
Dy. Director of Education,
Central Education Zone,
Panaji Goa.

..... Respondents

Relevant emerging dates:

Date of Hearing : 18-11-2019

Date of Decision : 18-11-2019

O R D E R

1. **BRIEF FACTS** of the case are that the Appellant vide an RTI application dated 25/03/2019, sought certain information under Section 6 (1) of the RTI Act. 2005 from the Respondent PIO, (Management/Headmaster) Shri. Kamakshi High School, Thal, Shiroda.
2. The Appellant is *inter-alia* seeking rooster entries maintained by the school for the PH post in the year 2008-2014 and present status of the PH post as on today and how many occasion the PH post was advertised and on which newspaper it was advertised and which year and if the post if changed from PH post to general then under what provision?
3. It is the case of the Appellant that the acting Headmaster vide reply no. KHS/49/2019.26 dated 25/04/2019 informed the Appellant that School Head Master has retired on 31st July 2018 and that he is working as in-charge Headmaster from 29th September, 2018, as such he is not the PIO and therefore cannot furnish the information.

4. Not satisfied with the reply, the Appellant filed a First Appeal on 29/04/2019 and the First Appellate Authority (FAA) vide an Order dated 30/05/2019 directed the respondent acting Headmaster in-charge to immediately furnish the information within a week's time from the receipt of the order.
5. The FAA in his order held that the reply furnished to the RTI applicant is not acceptable as the respondent has taken charge of the Headmaster post and as being the in-charge headmaster he has taken charge of all duties of that office in full.
6. Being aggrieved that despite the order of the FAA, the respondent Headmaster in charge has not furnished any information, the Appellant thereafter filed a Second Appeal u/s 19(3) of the RTI act 2005 before the Commission registered on 02/08/2019 and has prayed that the appeal be allowed and Respondent be directed to provide the information as sought in the RTI Application dated 25/03/2019 and for imposing penalty and other such reliefs.
7. **HEARING:** During the hearing the Appellant is represented by Adv. S. Manerkar. The Respondent PIO is represented by Adv. D. Harmalkar.
8. **SUBMISSIONS:** Adv. S. Manerkar for the Appellant submits that the incharge Headmaster has failed to comply with the order of the FAA and has till date not furnished any information. Adv. S. Manerkar further submits that the FAA in his order dated 30/05/2019 had clearly mentioned that although he is acting as Headmaster, the respondent has taken charge of all duties of the office and therefore he should immediately furnish information and as such requests that the Commission issue directions to the In-Charge Headmaster /PIO to furnish the information.
9. Adv. D. Harmalkar for the respondent submits that as per the gazette notification dated 1st September 2005, it is clearly mentioned that Headmaster is the PIO and therefore it cannot be assumed that the PIO is supposed to be the headmaster in-charge. ...3

10. It is also submitted that at point no. c) & d) the Appellant has asked information in question form. It is finally submitted that the Appellant has challenged the impugned order of the FAA which is actually in favour of the Appellant herself and hence the Second Appeal itself not maintainable.
11. Per contra Adv. S. Manerkar argues that the gazette copy is of the year 2005 and that the Government has issued a new gazette notifying that the Dy. Director of the zone as the FAA. It is also argued that as the order of the FAA was not complied by the Headmaster- in- charge, Shri Prakash Naik, hence Second Appeal was filed.
12. **FINDINGS:** The Commission after hearing the submissions of both the parties and perusing the material on record finds that no intervention is required with the order passed by the FAA. In fact it was the bounden duty of the Management of Shri. Kamakshi High school to have notified Headmaster in-charge as the PIO when the previous Headmaster retired as being a Public Authority it cannot function without a PIO.
13. **DECISION:** The Commission accordingly directs the Headmaster in-charge, Shri. Prakash Naik to furnish the information sought in the RTI Application dated 25/03/2019 if the information as available in the records, except information sought at point no. c) & d), within 20 days of the receipt of this order, latest by 16/12/2019. In case the information at some points is not available in the records, the same should be intimated to the Appellant.

With these directions the appeal case stands disposed.

Consequently the prayer of the Appellant for Penalty and other such reliefs stands rejected. All proceedings in Appeal case stands closed. Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-
(Juino De Souza)
State Information Commissioner