

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

CORAM: Shri Juino De Souza: State Information Commissioner

Complaint Nos. : 15, 16, 17, 18, & 19/2019/SIC-II

Prakash Matonkar,
H.no.79, Seraulim,
Salcete –Goa
403708

...Complainant

v/s

1. Public Information Officer,
Father Agnel High School,
Pilar - Goa. 403402.
2. Public Information Officer,
Miracles High School,
Sanguem - Goa. 403704.
3. Public Information Officer,
Our Lady of Piety High School,
Collem - Goa. 403410.
4. Public Information Officer,
Guardian Angel High School,
Curchorem - Goa. 403706.
5. Public Information Officer,
Our Lady of Fatima High School,
Rivona - Goa. 403410.
6. **First Appellate Authority**,
Directorate of Education,
Porvorim-Goa. 403101.

...Opponents

Relevant emerging dates:

Date of Hearing : 31-10-2019

Date of Decision : 31-10-2019

O R D E R

| Sr No | Appeal Nos. | Date of filing RTI Application | Date of transfer by PIO | Date of filing First | Date of Order of FAA | Date of filing Complaint |
|--------------|------------------------------|---------------------------------------|--------------------------------|-----------------------------|-----------------------------|---------------------------------|
| 1) | Complaint No. 15/2019/SIC-II | 06/08/2018 | 09/08/2018 | 20/09/2018 | No Order | 22/02/2019 |
| 2) | Complaint No. 16/2019/SIC-II | 06/08/2018 | 09/08/2018 | 20/09/2018 | No Order | 22/02/2019 |
| 3) | Complaint No. 17/2019/SIC-II | 06/08/2018 | 09/08/2018 | 20/09/2018 | No Order | 22/02/2019 |
| 4) | Complaint No. 18/2019/SIC-II | 06/08/2019 | 09/08/2018 | 20/09/2018 | No Order | 22/02/2019 |
| 5) | Complaint No. 19/2019/SIC-II | 06/08/2018 | 09/08/2018 | 20/09/2018 | No Order | 22/02/2019 |

The above five Complaints pertain to one and the same Complainant and are having similar subject matter as such they are combined together and disposed by one common order.

1. **BRIEF FACTS OF THE CASE:** The Complainant herein Shri Prakash Matonkar has filed five separate Compliant cases before the Commission. All important dates including the date of filing the RTI application, date on which the PIO has transferred the RTI application u/s 6(3) of RTI act 2005, date of filing the First Appeals and the date of filing Complaints before the commission are listed in tabulation form. It is seen that in all the above five Complaint cases, the First Appellate authority (FAA) has not passed any order and the PIO has not furnished any information.
2. The main grievance of the Complainant is that although he filed a single RTI application u/s 6(1) seeking information from the Respondent PIO, Directorate of Education, Porvorim-Goa, the said PIO vide letter dated 09/08/2018 has transferred the said RTI application u/s 6(3) to six PIO's of various Public Authorities who have not furnished the information and further even on filing the First appeal as per 19(1), the First Appellate authority (FAA) has not passed any order and as such the Complainant has approached the Commission u/s 19(3) by way of five Complaint cases and has prayed to direct the Respondent PIO's to furnish correct and complete information without further delay free of cost and to impose fine and for other such reliefs.
3. **HEARING:** This matter has come up before the Commission on several previous occasions and hence taken up for final disposal. During hearing the Complainant Prakash Matonkar is represented by his Adv. Akshay Shirodkar who undertakes to file Vakalatnama and appeared after the hearing. The Respondent PIO is represented by Adv. Richelle Almeida whose Vakalatnama is on record.

4. **SUBMISSIONS**: Adv. Richelle Almeida submits that these five Complaint cases arise out of six similar Second Appeal cases filed by the same party on the same subject and similar matter. It is further submitted that this Commission had vide Order dated 14/03/2019 disposed off the Six Second Appeal cases by remanding the matter back to the First Appellate Authority (FAA) and the matter being the same the present five Complaint cases are rendered infructuous and request the Commission to dismiss the said Complaint cases .
5. **FINDINGS**: The Commission on perusing the material on record including the order dated 14/03/2019 passed by this Commission indeed finds that the Complainant herein had earlier filed six separate Second Appeal Cases, being Appeal Nos.272 to 276/2018/SIC-II pertaining to the same subject matter and which were disposed by an Order dated 14/03/2019.
6. **DECISION**: The same RTI applicant, Shri Prakash Matonkar cannot be allowed to agitate the same matter twice by filing Second Appeals and also Complaint cases on the same and similar subject matter and which is in utter abuse of the RTI process. As the same matter has been adjudicated in the Commission by way of Six Second Appeals, therefore the same cannot be pursued again by the same party by filing similar five complaint cases. As such the five Complaint cases besides are rendered infructuous and also hit by provision of *res judicata*.

Consequently, all the five Complaint cases stand dismissed.

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

