

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

Appeal No. 188/2019/SIC-I

Mrs.Ivy C Da Conceicao,
H.No. 1041,
Alleamvado,Chinchinim,
Salcete - Goa.

....Appellant

V/s

1) The Public Information Officer,
Asst. Director of Education (Plg)
Directorate of Education,
Porvorim-Goa.

2) First Appellate Authority,
Dy. Director of Education (Plg)
Directorate of Education,
Porvorim-Goa.

.....Respondents

CORAM: Ms. Pratima K. Vernekar, State Information Commissioner

Filed on:14/06/2019
Decided on:15/07/2019

ORDER

1. The second appeal came to be filed by the appellant Mrs Ivy Da conceicao on 14/6/2019 against the Respondent No.1 Public Information Officer of the office of Assistant director of Education (PLG) at Porvorim, Bardez-Goa and against Respondent no. 2 first appellate authority under sub section (3) of section 19 of RTI Act 2005.
2. The brief facts leading to the second appeal are that the appellant vide her application dated 14/12/2018 had sought for the information on 6 points as listed therein.viz-a-viz.
 - (i) Certified copies of NOC granted to Diocesan Society of Education, Panaji to fill up the posts of Principals at infant Jesus Higher Secondary school, Colva Salcete and at St. Theresa of Jesus Higher Secondary school, Chaudi-Canacona .

- (ii) Copies of the DPC meeting held in May/June 2008 to promote Denis D'Sa Teacher Grade-I from St.Xavier's Higher Secondary School, Mapusa as Principal of Santa Cruz.
 - (iii) Copy of the Seniority List of Teacher Grade-I maintained by the Diocesan Society of Education in the year 2008 submitted to your Department along with the DPC Minutes to promote Denis D'Sa as Principal of Santa Cruz HSS.
 - (iv) Whether the post of vice Principal (General Stream) of St.Xavier's Higher Secondary School, Mapusa has been approved by your Department.
 - (v) If approval is granted for the said post in St.Xavier HSS issue me copy of the same.
 - (vi) Copy of the DPC Meeting held for the promotion of the teacher Grade -I to Vice Principal at St.Xavier HSS Mapusa.
3. The said information was sought by the appellant in exercise of her right u/s 6(1) of RTI Act, 2005.
 4. It is the contention of the appellant that her above application filed in terms of sub section (1) of section 6 was not responded by the respondent no 1 PIO within stipulated time of 30 days and as such deeming the same as rejection, the appellant filed 1st appeal on 24/1/2019 to Respondent no. 2 Deputy Director of Education(PLG), Directorate of Education, at Porvorim-Goa being first appellate authority .
 5. It is the contention of the appellant that the respondent no. 2 first appellate authority vide order dated 15/3/2019 allowed her appeal and directed the respondent no 1 PIO to furnish the information as sought by the appellant vide application dated 14/12/2018 free of cost to the appellant .

6. It is the contention of the appellant that since no information came to be provided to her despite from the order of first appellate authority, she vide her letter dated 25/3/2019 once again brought to the notice of first appellate authority that more than 3 months were passed since she has asked for the information and that she required the information urgently she once again requested Respondent no. 2 first appellate authority to provide her information at the earliest
7. It is the contention of the appellant that in spite of the said order, the said information was not furnished to her by the PIO and hence she had to approach this commission in her 2nd appeal as contemplated u/s 19(3) of RTI Act thereby seeking relief of directions to PIO to furnish her the information.
8. Notices were issued to both the parties. Appellant appeared in person along with Shri Savio Victoria. Both the Respondents despite of due service of notice opted to remain absent neither filed any say despite of affording them opportunities. As the PIO failed to file his reply, as such this commission presumes and holds that the respondent on 1 PIO has no say to be offered and the averments made by the appellant are not disputed by him.
9. The appellant during the proceedings submitted that she was denied the post of principal in the Higher secondary of the Diocesan Society. It is her contention that great injustice has been caused to her by denying the said post as such she is pursuing her legal remedies before competent courts. She further submitted that she has filed special leave petition(c)No. 33760 of 2018—before the Hon'ble Apex Court and the same have been admitted by the Apex Court She further submitted that she requires the said information urgently in order to produce the same before the Hon'ble Supreme Court. She further contended that Respondent PIO is deliberately not providing her information to safeguard the interest of Diocesan Societies of

Education . She further submitted that she had sought the said information is in larger public interest in order to expose the illegalities committed by the Diocesan Societies of Education in Goa.

10. I have Scrutinise the records available in the file also considered the submission of the appellant
11. It appears from the submissions of the appellant that the same was sought by her in larger public interest and/or to redress her Legal grievances before the Hon'ble Apex Court. It is not the case of the Respondent No. 1 PIO that the records are not available with them. The respondent no.2 First appellate authority who is superior officer of the Respondent No. 1 PIO has after considering the entire facts and circumstances has passed an order directing the Responder PIO (PLG) to provide the Information free of cost to the appellant. Once the order is passed by the first appellate authority, the respondent no. 1 PIO is duty bound to comply the same unless the same is challenged. There are no records available in the file that PIO having being challenged the said order of first appellate authority Considering the purpose for which it is sought, I am of the opinion that the appellant is entitle for the said information in larger public interest.
12. In the above given circumstances I am of the opinion ends of justice will meet with following order;

Order

Appeal allowed

- a) The Respondent No. 1 PIO is directed to comply with the order passed by the Respondent No. 2 First appellate authority dated 15/3//2019 in appeal bearing No.50/2019 and to provide the information to the appellant as sought by her vide her RTI Application dated 14/12/2018, within 20 days free of cost from the date of receipt of this order by him.

With the above directions the proceedings stands closed.
Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

(Ms.Pratima K. Vernekar)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa