

GOA STATE INFORMATION COMMISSION

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Appeal No.153/2021/SCIC

Engr. Subhash Laxman Nerurkar,
Vice Principal I/C (Vocational),
D.M's PVS Kushe Higher Secondary School,
Assagao, Bardez-Goa. 403507

.....Appellant

V/S

1. Mrs. Trupti K. Bhangle,
State Public Information Officer,
Department of Education,
Alto, Porvorim-Goa. 403521.

2. Mrs. Varsha Naik,
First Appellate Authority,
Director of Education (Administration),
Department of Education,
Alto, Porvorim-Goa. 403521.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 07/07/2021

Decided on: 22/10/2021

FACTS IN BRIEF

- a. The Appellant, Engr. Subhash Laxman Nerurkar, Vice Principal I/C (Vocational), D.M's PVS Kushe Higher Secondary School, Assagao, Bardez-Goa, 403507, by his application dated 25/03/2021 filed under section 6(1) of the Right to Information Act, 2005 sought certain information from the Public Information Officer, Directorate of Education, Porvorim Goa on several points therein.
- b. The said application was responded by PIO on 16/04/2021 stating that no such records are available in Respondent's department.
- c. According to the Appellant, the information as sought was not furnished and hence the Appellant filed first appeal to the Director (Administration), Directorate of Education, Porvorim, Bardez-Goa being the First Appellate Authority (FAA).
- d. Since the FAA failed to pass the order within stipulated time, Appellant landed before this Commission in this second appeal under sec 19(3) of the Act.

- e. Parties were notified, pursuant to which, FAA, Mrs. Varsha Naik appeared and placed on record the copy of the order dated 30/06/2021, duly furnishing copy of order to the Appellant. PIO, Trupti Bhangle appeared and filed her reply on 06/09/2021.
- f. Perused the content of appeal memo, reply of the PIO, order of FAA and scrutinised the documents on record.
- g. On meticulous reading of reply filed by PIO dated 06/09/2021, it is seen that the seniority list in case of teacher grade-I in Government Higher Secondary Schools are maintained under General (Seniority) Rules as prescribed / notified time to time by Government of Goa, and not maintained as per rule 87 of Goa School Education Rules 1986.

Similarly the Directorate has maintained one post based Roaster of all Principal and Vice-Principal working in Government Higher Secondary School. Likewise the Directorate has also maintained one post based Roaster of all Teacher Grade-I working in Government Higher Secondary School.

However, Appellant sought information in respect of seniority list maintained under Rule 87-A read with Rule 87 and Roster Register maintained by the institutions.

- h. Since the information is not maintained as sought by the applicant i.e under the specific rule quoted by the applicant, the PIO replied accordingly. This fact is also reiterated by the FAA in her order dated 30/06/2021.
- i. Considering the nature of request and grounds under which the information is refused, I find that PIO has replied appropriately. PIO is duty bound to furnish the information as it is available and exist with the public authority.
- j. Considering the above position and the submissions of the parties

in the course of arguments, Commission found that, the Public authority has maintained the seniority list and the post based roster in a particular manner. However there was minor error on applicant's part in seeking the information, and PIO rejected the information on that ground.

With the intervention of this Commission and willingness of PIO to furnish the information, with respect to seniority list and post based roster maintained by Education Department, Commission directed the PIO to furnish the information, without going to the other aspect of the appeal with the view to achieve the basic aim of the Act, i.e to furnish the information.

- k. During the course of hearing today, i.e on 22/10/2021, the PIO submitted that, as per direction of this Commission, she has furnished the available information to the Appellant. The Appellant scrutinised the information provided by the PIO and submitted that he has received the information from the PIO and is satisfied with the information.

The Appellant also endorsed on appeal memo that "In view of I obtained all the information, I am withdrawing my appeal." Accordingly, the matter is disposed off with the following:-

ORDER

- Appeal stands dismissed as withdrawn.
- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner