

**GOA STATE INFORMATION COMMISSION**

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**Appeal No.197/2020**

Mrs. Freda D'Souza,  
r/o, H.No. 928, Opp. Power Station,  
Pontemol, Curchorem Goa.  
403706.

.....Appellant

**v/s**

1. The Public Information Officer,  
Damodar Educational Society Paroda's,  
Damodar Higher Secondary School,  
Gudi-Paroda, Quepem Goa.

2. The First Appellate Authority,  
Dy. Director of Education,  
South Education Zone,  
Margao-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 19/11/2020**

**Decided on: 15/11/2021**

**FACTS IN BRIEF**

1. The Appellant, Mrs. Freda D'Souza, r/o, H.No. 928, Opp. Power Station, Pontemol, Curchorem Goa , by her application dated 25/06/2020 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from Public Information Officer (PIO) of Shri. Damodar Education Society, Paroda, Damodar Higher Secondary School, Gudi-Paroda, Quepem-Goa.
2. The said application was responded by the PIO on 25/07/2020.
3. According to the Appellant, the information as sought was not furnished and hence Appellant filed first appeal to the Deputy Director of Education, South Education Zone, Margao Goa being the First Appellate Authority (FAA).

4. The FAA by its order dated 31/08/2020 partly allowed the first appeal and directed the PIO to provide the information to the Appellant as per point No. 'c' of her RTI application dated 25/06/2020 within 7 days from the receipt of the order.
5. According to Appellant, instead of complying the order of FAA, the PIO provided misleading information vide letter dated 16/09/2020. Not satisfied with the said reply, she landed before the Commission under sec 19(3) of the Act.
6. PIO appeared on the notice and filed his reply on 29/07/2021, FAA appeared once and opted not to remain present for subsequent hearings neither filed his reply in the matter.
7. Perused the pleadings, replies and scrutinised the documents on records.
8. On perusal of the RTI application and order passed by FAA dated 31/08/2020 the entire controversy lies in refusal of information sought by the Appellant at point No. 'c' i.e certified copy of earned leave application of the Appellant dated 07/01/2020 filed before public authority.
9. Records shows that, the Appellant herein is working as a vocational teacher on probation with the Damodar Higher Secondary School and was on earned leave from 03/01/2020 till 06/01/2020.
10. According to PIO, on her return from earned leave, on 07/01/2020 she submitted earned leave application with the public authority and obtained the entry endorsement. While processing the said earned leave application, the LDC, Mrs. Neefa J.N. Desai noticed error in the application and in good faith the said LDC returned the faulty earned leave application form to the Appellant on 07/01/2020 and informed the Appellant to replace the said

earned leave application form with fresh earned leave form. Accordingly, the Appellant submitted the fresh earned leave application form dated 07/01/2020 on 08/01/2020.

Thereafter the Appellant sought under RTI application the certified copy of earned leave application form which was returned to her on 07/01/2020.

Further according to PIO, Appellant has already availed the duration of leave and has been marked as earned leave in the muster roll, and her earned leave has been sanctioned by higher authorities.

11. Further according to him, the Appellant is emphasizing on the certified copy of original earned leave application dated 07/01/2020 which she possesses.
12. I have also perused the contents of the Affidavit filed by Mrs. Neefa J.N. Desai submitted to PIO / Principal of public authority, wherein at para No. 5,6 and 7 reads as under:-

*" 5. I state that I told this fact orally to Mrs. Freda D'Souza on 07/01/2020 who requested me to return her original application. Accordingly, I handed over the said leave application to Mrs. Freda D'Souza in the presence of Mr. Bhikaji S. Ayir, L.D.C. of General Stream at around 5.00 to 5.30 p.m. on 07/01/2020.*

*6. I say that Mrs. Freda D'Souza after receiving the application dated 07/01/2020 from me submitted fresh application dated 07/01/2020 on 08/01/2020.*

*7. I state that the original application dated 07/01/2020 is with Mrs. Freda D'Souza."*

13. The Appellant has not rebutted the contention of PIO or the content of Affidavit of Mrs. Neefa J.N. Desai by filing any rejoinder or counter Affidavit. In fact, fair opportunities have been granted to the Appellant but she appeared once on 30/03/2021 but failed to appear before the Commission on 29/07/2021, 02/09/2021, 06/10/2021, 10/11/2021 and 15/11/2021.
14. This is a strange case where the Appellant is seeking the certified copy of her own original earned leave application which was handed over to her for correction in good faith and which she possesses. This tantamount to misuse of the Act by a vocational teacher against her own institution who has approached this forum in the guise of an information seeker. The action of the Appellant by putting frivolous RTI application and appeals have unduly added burden on public authorities. This is also an act of wasting the resources of the Commission, by putting the entire machinery into motion to satisfy the ego of the Appellant.

The Commission expects all information seekers to seek such information as is useful to them either personally or socially or nationally. Any request for information that does not fulfil the above test, would amount to abuse and misuse of the process of law.

15. Before parting with the matter, the Commission finds the approach of the Appellant in dealing with RTI Act is not appropriate rather it us utter abuse and misuse of the Act, to harass the PIO and public authority to settle personal score and ego.

Hon'ble Supreme Court in **CBSE v/s Aditya Bandopadhyay & Ors. (C.A.No. 6454 of 2011)** has held that:-

*"37. Right to Information is a cherished right. Information and right to information are intended to be*

*formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability.....*

*.....Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information ( unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive, as it will adversely effect the efficiency of the administration and result in the executive getting bogged down with the non-productive work.....*

*.....The act should not be allowed to be misused or abused, to become tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens.”*

Applying the above ratio of the Hon'ble Apex Court, I find it appropriate to remind the Appellant to exercise the right granted to her by legislation with great responsibility and not to use it to satisfy personal ego.

I dispose the present appeal with following:-

### **ORDER**

- The appeal stand dismissed.
- Proceeding closed.
- Pronounced in open court.
- Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner