

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: spio-gsic.goa@nic.in Website: www.gsic.goa.gov.in

Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 211/2019/SIC-II

Shri Prakash Matonkar,
H. No. 79, Seraulim,
Salcete Goa, 403708.

.... Appellant

V/s

1. The State Public Information Officer,
Asst. Public Information Officer,
Directorate of Education, Porvorim-Goa. 403101
 2. First Appellate Authority,
Directorate of Education,
Porvorim – Goa, 403101.
- Respondents.

Filed on : 02/07/2019

Decided on : 20/08/2021

Relevant dates emerging from appeal:

RTI application filed on	: 06/08/2018
PIO replied on	: Nil
First appeal filed on	: 20/09/2018
FAA order passed on	: 26/04/2019
Second appeal received on	: 02/07/2019

ORDER

1. The Second Appeal filed by Shri. Prakash Matonkar, R/o. Seraulim Salcete, Goa, under section 19(3) of the Right To Information Act, 2005 (RTI Act) against Respondent No. 1, Public Information Officer (PIO), Directorate of Education, Porvorim and Respondent No. 2, First Appellate Authority (FAA), Directorate of Education Porvorim was registered in the Information Commission on 2/07/2019.

2. Brief facts as contended by the Appellant, leading to the Second Appeal are :-

- (i) That vide order dated 20/03/2019 in Appeal Nos. 271, 272, 273, 274, 275 and 276/2018/SIC-II the matter was remanded back by the Commission to the FAA.
- (ii) The FAA vide Order dated 26/04/2019 directed the PIO of concerned sections of the Directorate of Education to provide the information free of cost, under intimation to the Goa State Information Commission.
- (iii) That till date the PIO's have not provided the information sought by the Appellant vide RTI application dated 6/08/2018.
- (iv) That aggrieved due to non furnishing of correct and complete information by the PIO the Appellant preferred to file Appeal dated 02/07/2019 before the Information Commission, as per the direction given by the Commission, in order dated 14/03/2019 in Appeal Nos. 271, 272, 273, 274, 275 and 276/2018/SIC-II, praying for correct and complete information free of cost, penalty on Respondents and the cost.

3. Notice was issued to the concerned parties and the matter was taken up for hearing. Pursuant to the notice Advocate J. Khorate appeared on behalf of the Appellant only once on 10/10/2019 and subsequently remained absent throughout the proceedings. On the other hand it is seen from the records that Shri. Cajetan Fernandes, PIO, Planning Section, Education Department and Ms. Anita Bhosle, PIO, Academic Section, Education Department appeared initially, but did not file any reply. Meanwhile hearing could not be scheduled due

to covid-19 pandemic situation and later the then Commissioner demitted the Office on completion of tenure and therefore the matter remained unheard for some time. The proceedings resumed on 17/03/2021 upon joining of new State Information Commissioner. However, neither the Appellant nor any Respondents appeared before this Commission for more than four hearing even though the first notice was duly served.

4. Meanwhile, it is noticed that the Appellant has filed a Complaint in the same matter (Complaint 20/2019) and Shri. Cajetan Fernandes PIO, has filed reply alongwith the enclosures received in the Registry dated 01/10/2020, which has been recorded in the file of Complaint No. 20/2019. The Commission has no intimation either from the PIO or the Appellant whether the said information has been furnished to the Appellant and acknowledged by him.
5. As per the section 7(1) of the RTI Act, 2005 the PIO is statutorily bound to reply the RTI application within 30 days from the date of application. In this case RTI application was filed by the Appellant on 06/08/2018, it was not replied by the PIO and also the Appeal filed thereafter was not heard by the FAA. Noting this, the Commission had vide order dated 14/03/2019 directed the FAA to hear the First Appeal. As per the directions of the Commission, the FAA heard the matter and passed order dated 26/04/2019 directing the PIO to furnish the information. However, the Order of the FAA had not mentioned any time limit to furnish the information. The PIO furnished the information in the Registry of this Commission dated 01/10/2020 in another similar matter. The Appellant has neither attended the hearing nor made any submissions regarding the receipt of the information.

6. From the above facts, it is evident that officers in Directorate of Education designated as PIO and FAA are not serious about their duties and responsibilities towards the RTI Act. The Commission has therefore reasons to believe that these officials need proper training on the provisions of the RTI Act and obligations of the Public Authority under the said Act.
7. While concluding the discussion on this Appeal, the Commission passes following Order:-
- a) The Appeal is partly allowed.
 - b) The present PIO is directed to furnish information to the Appellant by Registered post within ten days of the receipt of this Order.
 - c) The Director of Directorate of Education, is directed to depute all PIOs and FAAs of various sections of the Directorate for training as mentioned above in para 6. The Registry is directed to send a copy of this Order to the Director, Directorate of Education, for Compliance.
 - d) All other prayers of the Appellant are rejected.
8. Hence the Appeal is disposed accordingly and the proceedings stands closed.

Pronounced in the open court.

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

Sd/-

(Sanjay N. Dhavalikar)

State Information Commissioner
Goa State Information Commission,
Panaji-Goa