

**GOA STATE INFORMATION COMMISSION**

“Kamat Towers” 7<sup>th</sup> Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437880 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.scic.goa.gov.in](http://www.scic.goa.gov.in)

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**Shri. Sanjay N. Dhavalikar**, State Information Commissioner

**Appeal No. 68/2022/SIC**

Cima Carneiro,  
H. No. 6, Zoribhatt,  
Chinchinim, Salcete – Goa 403715.

-----Appellant

**v/s**

1. The Public Information Officer,  
The Headmistress of St. Joseph Vaz High School,  
Sancoale, Cortalim Goa 403710.

2. The First Appellate Authority,  
Deputy Director of Education,  
South Zone, Margao – Goa.

-----Respondents

Filed on:-25/02/2022  
Decided on: 11/08/2022

**Relevant dates emerging from appeal:**

RTI application filed on	: 16/08/2021
RTI application transferred on	: 17/08/2021
PIO replied on	: 24/09/2021
First appeal filed on	: 06/10/2021
First Appellate authority order passed on	: 25/11/2021
Second appeal received on	: 25/02/2022

**ORDER**

1. Brief facts of this appeal filed by the appellant under Section 19 (3) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act') are that vide application dated 16/08/2021 she had sought information from Respondent No. 1, Public Information Officer (PIO). Upon not receiving the information within the stipulated period, she filed appeal dated 06/10/2021 before Respondent No. 2, First Appellate Authority (FAA). Being aggrieved by non furnishing of the information and also by the order of FAA, the appellant filed second appeal before the Commission.
2. Notice was issued to the concerned parties and the matter was taken up for hearing. Pursuant to the notice, Shri. Joseph Jude Russell Coutinho appeared on behalf of the PIO, under authority letter and filed reply on 07/04/2022. Reply dated 22/06/2022 to the counter reply of appellant was filed on behalf of the PIO and enclosures were furnished on 12/07/2022. Smt. Cima Carneiro, appellant appeared alongwith Advocate Avinash Nasnodkar, filed counter reply dated 04/05/2022. Arguments of both sides were heard on 12/07/2022.

3. Appellant stated that, she had requested for certified copy of her service book countersigned by the Deputy Director of Education, South Education Zone, Margao-Goa, from 2012 to till date with all particulars entered in it. PIO did not furnish the correct information within the stipulated period and later, vide letter dated 07/10/2021 the information i.e. copy of service book was furnished, but the same was not countersigned by the Deputy Director of Education.

Appellant further stated that, she has been harassed by the PIO for last 07 years and extraneous entries with malicious intent are recorded in her service book. Hence, appellant prays for the complete and correct information, as well as penal action against the PIO.

4. PIO submitted that, she received the application, forwarded by the PIO of South Education Zone, on 26/08/2021 and replied the said application on 24/09/2021. The appellant was informed that her service book was sent to the South Education Zone for countersignature and the same was returned by the Deputy Director of Education without countersignature for reasons mentioned by the Deputy Director. The reason given by the Deputy Director of Education for not countersigning the service book is that the matter regarding service of the appellant is pending before the Directorate of Education and he is unable to countersign the service book until and unless the matter is settled and decided by the Directorate of Education.
5. Advocate Avinash Nasnodkar while arguing on behalf of the appellant, stated that, the PIO has furnished incomplete information after the expiry of stipulated period. Reply of PIO should have been proper, explaining the correct position of the information. The incomplete reply has caused inconvenience to the appellant. Advocate Nasnodkar questioned the delay and reasons given by the PIO for the said delay and stated that, PIO should produce documental evidence with reference to the reply of the PIO.
6. Shri. Joseph Jude Russell Coutinho while arguing on behalf of the PIO stated that, he has complete evidence to substantiate PIO's contentions. The available information has been furnished and the information which does not exist in the records cannot be furnished.
7. The Commission has carefully perused the submissions of both the sides and heard the arguments. It is seen that the information sought by the appellant i.e., certified copy of her service book has been

furnished, but not the countersigned copy. It appears that, the Deputy Director of Education has conveyed to the PIO vide letter dated 23/09/2021 that, the matter is pending/ not settled before the Directorate of Education and hence, his office is unable to countersign the service book until and unless the matter is settled, and then service book will be countersigned on producing documentary evidence. Thus, the Commission finds that, the information as desired by the appellant does not exist with the PIO.

8. Appellant has contended regarding the harassment by the PIO during the service and extraneous entries in her service book. The Commission is of the opinion that the said issues raised by the appellant pertain to the service matter and the Commission has no jurisdiction to deal with it. The appellant is required to raise the said issues before the appropriate authority.

9. Hon'ble High Court of Delhi in LAP 24/2015 and CM No.965/2015, The Registrar, Supreme Court v/s Commodore Lokesh L. Batra & other has held:-

*"As already noticed above, Right to Information under section 2 (j) means only the right to information which is held by any public authority. We do not find any other provision under the Act under which a direction can be issued to the public authority to collate the information in the manner in which it is sought by the Appellant."*

10. With the findings as mentioned in para 7 and 8 and subscribing to the ratio laid down by the Hon'ble High Court of Delhi as mentioned in para 9, the Commission concludes that, the information requested by the appellant does not exist in the records of PIO, and information as available has been furnished by the PIO. Hence, PIO cannot be faulted for her action and no relief can be granted to the appellant.

11. In the light of above discussion, the Commission concludes that the present appeal is bereft of merit and the same is disposed as dismissed.

Proceeding 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