GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 210/2021/SIC

Mr. Sarvesh Sudan Desai,
H.No. 7/33-B, Salmona,
Saligao, Bardez, Goa 403511 ..... Appellant

v/s

1.The First Appellate Authority (FAA),
Prof. Rajendra Shirsat,
Goa University,
Taleigao Plateau-Goa
2. The Public Information Officer (PIO),
Goa University,
Taleigao Plateau-Goa ...Respondents

Filed on : 16/08/2021
Decided on : 11/02/2022

Relevant dates emerging from appeal:

RTI application filed on	: 16/01/2021
PIO replied on	: 05/04/2021
First appeal filed on	: 22/04/2021
FAA order passed on	: 22/06/2021
Second appeal received on	: 16/08/2021

O R D E R

1. The brief facts of this appeal, as contended by the appellant are that, the appellant vide application dated 16/01/2021 filed under section 6(1) of the Right to Information Act, 2005 (for short, the Act) sought information on various points from respondent No. 2 Public Information Officer (PIO). The appellant received information vide reply dated 05/04/2021 from the PIO, which he found misleading and incorrect, hence filed appeal before respondent No. 1 First Appellate Authority (FAA) on 22/04/2021.

The FAA vide order dated 22/06/2021 disposed the appeal, directing PIO to furnish the additional information in regard to point No. 2. Being aggrieved, the appellant preferred the second appeal before the Commission.

2. The concerned parties were notified and the matter was taken up for hearing. It is noted that neither the appellant, nor any respondent attended the matter even after number of opportunities given to both the sides. Finally Appellant Shri. Sarvesh Sudan Desai appeared, on 11/01/2022 and pressed for the disposal of the appeal. Smt. Sanam Nair, representative of the PIO appeared on the same day, however filed no reply.

3. The circumstances narrated above shows that there are no submissions and no arguments from the either side. Hence the matter has to be decided on merit, based on the records available in the appeal memo.

4. Upon the perusal of appeal memo, it comes to the light that the appellant is referring to a letter dated 16/01/2021 written by him to the PIO of Goa University, where in he narrates some incidents, records some apprehensions and also makes some allegations referring to some authorities and some issues in Goa University, where he was working earlier as Assistant Garden Superintendent. The said letter has been referred by the appellant as RTI application and the Public authority has attempted to furnish relevant information to queries raised in the said reply. Issues and queries raised by the appellant pertain to different sections of the authority i.e. Goa University. Hence RTI Coordinator of the University has collected the information from 3 PIOs, namely - (i) PIO, Assistant Registrar, Non Teaching, Goa University; (ii) PIO,

Finance Officer, Goa University and (iii) PIO, University Engineer, Goa University, and furnished the same to the appellant.

5. PIO (i) has replied to query No. 1, 3, and 4 ; information on query No. 2 is furnished by PIO (ii) and PIO (iii) has replied to query No. 5, 6, 7, 8 and 9. It is observed that most of the queries/questions raised by the appellant in his application dated 16/01/2021 are vague and the information he has sought do not qualify as 'information' under section 2(f) of the Act. It appears that only query No. 2 clearly seeks information regarding statement of expenditure incurred on Horticulture, which has been furnished to him by PIO (ii).

6. Therefore, the Commission concludes that the PIO has furnished information sought by the appellant under point No. 2 of his application and information sought under other points does not qualify as 'information' as defined by section 2(f) of the Act. Here, the Commission draws the attention of the appellant to the fact that the PIO under section 7(1) of the Act is mandated to provide the information within 30 days, and if he denies the information, then under section 19(5) the onus lies on PIO to prove that denial of a request was justified. However, the information sought by the appellant has to be clear and specific and eligible under section 2(f) of the Act.

7. In the light of the above discussion, it is now clear that the appellant has failed to seeks specific information vide application dated 16/01/2021, except point No. 2, where the information has been already furnished. As a consequence, no relief can be granted to the appellant and the PIO cannot be directed to furnish information.

8. Hence the appeal is bereft of merit and accordingly the same is 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

Kk/-