

# GOA STATE INFORMATION COMMISSION

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

Tel: 0832 2437880, 2437908 E-mail: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in) Website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)

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

**Appeal No. : 35/2020/SIC-II**

Shri Stanley J. Rocque,  
S -4, Esteves Apartments,  
Merces, Tiswadi Goa

..... Appellant

v/s

1. The First Appellate Authority (FAA),  
Dy. Director of Education (Plg.),  
Education Department,  
Porvorim-Goa.

2. Public Information Officer (PIO),  
the Principal,  
Don Bosco Higher Secondary School,  
Panaji-Goa

..... Respondents

Filed on : 30/01/2020  
Decided on : 18/02/2022

## **Relevant dates emerging from appeal:**

RTI application filed on	: 15/07/2019
PIO replied on	: Nil
First appeal filed on	: 10/09/2019
FAA order passed on	: 21/10/2019
Second appeal received on	: 30/01/2020

## **ORDER**

1. The brief facts of this appeal are that the appellant vide application dated 15/07/2019 under section 6(1) of the Right to Information Act, 2005 (for short, the Act) sought some information from Public Information Officer (PIO), Directorate of Education, Porvorim-Goa. The said PIO under section 6(3) of the Act transferred the application vide letter dated 22/07/2019 to Public Information Officer (PIO), Don Bosco Higher Secondary School, Panaji-Goa requesting him to furnish the information. The appellant received no response from the PIO, Don Bosco Higher Secondary School,

and hence filed appeal dated 10/09/2019 before the first Appellate Authority (FAA) Deputy Director of Education, Porvorim-Goa. The FAA vide order dated 21/10/2019 disposed the appeal, directing the appellant to file first appeal before the appropriate FAA, i.e. Deputy Director of Education, Central Education Zone Panaji.

2. Being aggrieved with the said order, the appellant preferred second appeal against respondent FAA, Deputy Director of Education (Plg), Porvorim Goa. Appellant prays for an order on his appeal and penalty against the respondent under section 20(1) and 20(2) of the Act.
3. Pursuant to the notice, appellant appeared in person, filed written submission on 11/10/2021 and 'affidavit on record' dated 11/10/2021. Later, on 01/11/2021 he remained present, however chose not to appear on subsequent hearing. The FAA appeared in person initially and later through his authorised representatives.
4. The appellant stated vide his submission that he is aggrieved with the order of the FAA and not over the non furnishing of the information by the PIO, Don Bosco Higher Secondary School, hence he has filed the second appeal only against the FAA. The FAA while disposing the appeal has not passed any order against the delay by PIO, Directorate of Education, in transferring his application. Also that the FAA under section 6(3) of the Act did not transfer the appeal to the appropriate FAA, which he should have done instead of disposing the same.
5. It appears that the appellant has filed this appeal under some misconceptions pertaining to the provisions of the Act. Primarily, the Right to Information Act, 2005 has been brought in order to disclose the information available with the public authority and the

Public Information Officer (PIO) is basically responsible officer to furnish the information. However the appellant stated in the submission that non-furnishing of information is not an issue for him, yet he is seeking action against the FAA for not passing order on the delay by the PIO, Directorate of Education, in transferring the application to the PIO, Don Bosco Higher Secondary School. The application dated 15/07/2019 was received by PIO, Directorate of Education on 16/07/2019 and under section 6(3) of the Act he was required to transfer the said application within 5 days i.e. on or before 21/07/2019, which he transferred on 22/07/2019. Thus the delay is only of a day and the same is negligible. Hence the Commission find no fault with the order of the FAA. It is strange that the appellant who is aggrieved with the PIO Directorate of Education, for delay of one day in transferring the application is not annoyed with the PIO, Don Bosco Higher Secondary School for not furnishing the information.

Also, the appellant says that the FAA should have transferred first appeal under section 6(3) of the Act to the appropriate FAA. Here the Commission brings to the attention of the Appellant that section 6(3) of the Act has been provided for the benefit of the PIO to transfer the application to another authority, if the information is not with him and held by another authority. FAA is not able to transfer first appeal to another authority. FAA is not able to transfer first appeal to another FAA under section 6(3) of the Act, rather the FAA is required to hear and decide the appeal within stipulated period as mandated under section 19(6) of the Act which is complied by the FAA in the appeal filed by the appellant before him.

6. In the meanwhile, during the proceeding PIO, Don Bosco Higher Secondary School filed application for intervention on 22/03/2021 stating the applicant has a legal right to be impleaded as a

respondent and is a necessary party to the same. The appellant was notified vide notice dated 23/09/2021 and was asked to furnish appeal memo to the applicant PIO. However the appellant did not furnish the appeal memo to the PIO, Don Bosco Higher Secondary School, nor registered any say. Hence the PIO, Don Bosco Higher Secondary, though impleaded as Respondent No. 2 in this matter, is unable to register his say.

7. The appellant has already brought on record that he is not interested in the information, yet prays for action against the FAA. However, as discussed above, the Commission find no fault with the order passed by the FAA on 21/10/2019. Therefore, no relief can be granted to the appellant and the appeal is required to be disposed accordingly.

8. Hence, the appeal is disposed as dismissed and 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/-