

# GOA STATE INFORMATION COMMISSION

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

## Appeal No. 36/2020/SIC-II

Shri Stanley J. Rocque,  
S -4, Esteves Apartments,  
Merces, Tiswadi Goa,  
403005

..... Appellant

V/s

The First Appellate Authority (FAA),  
Central Education Zone,  
Massano de Amorim Bulding,  
Near National Theatre,  
Panaji-Goa

..... Respondent

**Filed on : 03/02/2020**

**Decided on : 17/03/2022**

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

RTI application filed on	: 10/09/2019
Application transferred on	: 23/09/2019
PIO replied on	: 16/10/2019
First appeal filed on	: 06/12/2019
FAA order passed on	: 23/12/2019
Second appeal received on	: 03/02/2020

## **ORDER**

1. The second appeal filed by the appellant under section 19(3) of the Right to Information Act, 2005 (for short, the Act) against respondent First Appellate Authority (FAA), Deputy Director, Central Education Zone, Panaji-Goa, came before the Commission on 03/02/2020 for an appropriate order in the matter.
2. The brief facts of this appeal are that the appellant under section 6(1) of the Act sought some information from Public Information Officer (PIO), Directorate of Education, Porvorim.

The said application was transferred under section 6(3) of the Act to the Principal and PIO, Don Bosco Higher Secondary School, Panaji which was replied on 16/10/2019. Being aggrieved with the said reply, appellant filed appeal before the FAA on 06/12/2019, which was disposed vide order dated 23/12/2019.

3. It is the contention of the appellant that, the FAA disposed the appeal without any decision/order, which is against the spirit of the Act, hence he has filed second appeal against the FAA.
4. Notice was sent to both the parties and the matter was taken up for hearing. Pursuant to the notice, appellant as well as respondent FAA appeared before the Commission. FAA filed reply dated 07/09/2021, 29/10/2021 and 15/12/2021, whereas submissions dated 30/09/2021 and 22/11/2021 were received from the appellant.
5. Appellant stated vide his submissions that he has filed second appeal only against the FAA since the FAA has not acted in accordance with the provisions of law. Appellant further stated that he is aggrieved with order of the FAA as the appellant was not given a hearing, FAA concluded the proceeding of first appeal with one hearing, without passing any specific order. The order dated 23/12/2020 passed by FAA is not a valid order and therefore the matter needs to be remanded to the FAA for reconsideration and passing appropriate order. Appellant also stated that his grievance is not against the PIO for non furnishing the information, but against the FAA for passing 'no order'.
6. FAA stated that the first appeal was heard on 6/12/2019 and 23/12/2019, i.e. two hearings were conducted. PIO remained present on 23/12/2019 and filed reply with a say that he denied the information to appellant being personal as well as third party information and the subject matter of the application was not of any larger public interest. Hence the FAA found PIO's reply as acceptable and the appeal was rejected. FAA further stated that he has decided the appeal within the mandatory period and as per the provisions of the Act.

7. After careful perusal of the records and submissions of the matter, the Commission has observed certain things and accordingly, has arrived at following findings:-

- a) The Application dated 10/09/2019 was addressed by the appellant to the PIO, Directorate of Education; The PIO transferred the application to the PIO, Don Bosco Higher Secondary School, Panaji. PIO, Don Bosco Higher Secondary School vide reply dated 16/10/2019 informed the appellant that the information requested is not specific and is of personal nature, hence cannot be furnished.
- b) Appellant filed appeal before FAA against the decision of PIO, and FAA while disposing the appeal upheld the decision of PIO, Don Bosco Higher Secondary School.
- c) Appellant, filed second appeal before the Commission, strangely, not against the PIO, but only against the FAA. Appellant, during the proceeding initially, appeared regularly and stated that information is not the issue in this matter, but he is aggrieved with the order passed by the FAA. Later, appellant stopped attending the proceeding.
- d) However the Commission observes that the FAA conducted hearing on two occasions, and passed his order within the mandatory period, upholding PIO's decision.
- e) The Commission could not hear the PIO since he is not a party in this proceeding. In addition to that, the Commission is unable to direct PIO to furnish information to the appellant as he is not made party to the appeal and appellant has not prayed for the information.

8. With the above mentioned observations and findings, the Commission is of the opinion that the order passed by the FAA is completely within the purview of the Act and there is no wrong in the said order and therefore, no relief can be granted to the appellant. The appeal needs to be decided accordingly.

9. In the light of above discussion, the appeal is disposed as dismissed and the 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