

**GOA STATE INFORMATION COMMISSION**  
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**Appeal No. 149/2022/SCIC**

Mr. Damodar Barve,  
F-2, A-2, Yashodhan Building,  
Near Saibaba Temple,  
Verla, Canca, Mapusa-Goa 403510.

.....Appellant

V/S

1. The Public Information Officer,  
The Principal,  
Shree Kamaleshwar Higher Secondary School,  
Korgao, Pernem-Goa 403512.

2. The First Appellate Authority,  
Shailesh R. Zingde,  
Dy. Director of Education,  
North Educational Zone, Mapusa-Goa.

.....Respondents

**Shri. Vishwas R. Satarkar**

State Chief Information Commissioner

**Filed on: 03/06/2022**

**Decided on: 03/05/2023**

**FACTS IN BRIEF**

1. The Appellant, Mr. Damodar Barve, r/o. F-2, A-2, Yashodhan Building, Near Saibaba Temple, Verla, Canca, Mapusa-Goa vide his application dated 14/12/2021 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Shri. Kamaleshwar Higher Secondary School, Korgao, Pernem-Goa.
2. The said application was responded by the PIO on 14/01/2022, in the following manner:-

*"With reference to the subject and your letter cited above, this is to inform you that your application was referred to Mrs. Juhi N. Thali under section 11(1) to know if she has any objection to furnish her personal*

*information in respect of her services in this institution as sought by you.*

*The information sought at point No.(1)*

*Name of the Principal – Mrs. Juhi N. Thali*

*Educational Qualification – M.A. B.Ed.*

*Point No. (2)*

*Date of Appointment – 12/10/2021*

*Where as Mrs. Juhi N. Thali has strong objection to disclose information of a part of point (2) point (3) point (4) and point (5) as she has apprehension that the information may be misuse to malign her image or to blackmail her. Moreover the information sought is being solely personal and there is no public activity or any larger public interest specified by the applicant (copy enclosed)*

*As such, in the absence of the consent from Mrs. Juhi N. Thali the information at part of point No. (2) and point (3) point (4) & point No. (5) is rejected.”*

3. Not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Deputy Director of Education, North Educational Zone, Mapusa-Goa being the First Appellate Authority (FAA).
4. The FAA vide its order dated 04/03/2022, partly allowed the first appeal and directed the PIO to furnish the available information.
5. Since the PIO failed and neglected to comply the order of the FAA, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act, with the prayer to direct the PIO to furnish the information.
6. Notices were issued to the parties, pursuant to which the representative of the Appellant Adv. S.D. Vaigankar appeared on

15/07/2022, Adv. Avinash Nasnodkar appeared and placed on record the reply of the PIO on 12/08/2022. The new FAA Shri. Jaiwant Naik appeared on 12/08/2022, however chose not to file any reply in the matter.

7. It is the case of the Appellant that, by his application dated 14/12/2021, he sought details of the Principal of Kamaleshwar Higher Secondary School, Corgao, Pernem-Goa. However, the PIO by reply dated 14/01/2022 furnished partial information and denied the information at point No. 3, 4 and 5.

Further according to him, the order of the FAA is without any judicious reasoning and prayed that the PIO be directed to furnish the complete information.

8. As against this, the PIO through her reply dated 15/07/2022, contended that legally permissible information has been furnished to the Appellant and rest of the information sought was pertaining to personal information of the PIO, therefore rejected.
9. Perused the pleadings, reply, written arguments, scrutinised the documents on record, considered the oral submissions and judgement relied upon by the rival parties.
10. It is not in dispute that, Appellant has received the name of the Principal of the public authority alongwith her educational qualification and her date of appointment as a Principal. The only controversy which remains is with regards to information at point No. 3,4 and 5 of the RTI application, which reads as under:-

*"3. Details along with documents regarding the training courses, orientation and lectures, completed and/or attended in connection with RTI Act, since appointment or prior to appointment, till date.*

*4. Copy of the Service Book.*

*5. Details like approval for post for appointment advertisement for interview, application for post along with documents and certificates, minutes of interview, appointment letter, joining letter as regards to initial appointment as untrained teacher/under graduate teacher/ assistant teacher/ grade I teacher/ any other type of teacher, of the Principal of Kamaleshwar Higher Secondary School as mentioned at point No. 1 of this application. "*

11. As regards to information at point No. 3, it cannot be furnished as the said information is not part of the records of public authority besides such information is not required to be maintained under any law or rules of public authority. The RTI Act provides access to all information that is available and existing.

12. In so far as information at point No. 4 is concerned, the Appellant is seeking a copy of the service Book of the public servant. The service book is the most vital document of public servant and all data related with service of employee is recorded in service book like his joining, promotion, transfer, increments, leave, deductions, family nominations etc. Such information is personal in nature and every public servant has right to guard the same.

13. Hon'ble High Court of Madhya Pradesh in the case **Shrikant Pandya v/s State of MP (W.P. No. 13646/2009)** has held as under:-

*"16. In the case at hand the certified copy of personal record as well as service book of third party, which was being sought by the petitioner would contain annual confidential reports and other information like details of family and nomination thereof. These information are*

*personal in nature and a Government servant has a right to guard the same. These information have no relationship to any public activity and if parted with will certainly lead to the unwarranted invasion of the privacy of a Government servant."*

Considering the above ratio, the Appellant is not entitled for the said information at point No. 4.

14. Insofar as the information at point No. 2 (part) and point No. 5, the Appellant has sought personal information of the Principal of Shri. Kamaleshwar Higher Secondary School, with regards to her academic qualification and other documents. This information is ordinarily barred from disclosure under Section 8(1)(j) and can be disclosed only in the larger public interest. The Appellant is not entitled to seek personal information concerning the public servant without establishing the element of larger public interest.

15. The High Court of Delhi in **Union Public Service Commission v/s Mahesh Mangalat (2015 Law Suit (Del) 1372)** in which it is held that:-

*"19. It is a settled law that for seeking personal information regarding any employee of the public authority the applicant must disclose a "sustainable public interest". Even Section 8(1) (j) of the RTI Act was enacted to ensure that all information furnished to public authorities including personal information is not given free access to. As per this Section unless the CPIO or the State PIO or the appellate authority, as the case may be, is satisfied that the larger public interest justifies, the disclosure of any such information that invades the privacy of an individual is not permissible."*

16. It is to be noted that even the personal information can be disseminated if it serves the larger public interest. A careful perusal of appeal memo reveals that it does not contain even a whisper as to how disclosure of this information is going to serve a larger public interest. Further as noted above, the High Court of Karnataka at Bangalore in the case **H.E. Rajashekarappa v/s State Public Information Officer and Another (W.P. No. 10663/2006)** has categorically held that, a citizen has no right to seek personal information about public officers of the public authority and has called it a vexatious exercise, para 5 of the said judgement which is extracted below:-

*"5. The object of the Act is to provide right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. In view of the above provisions excerpted, it cannot be said that Section 2(f) of the Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority. Therefore, the respondent No. 3 had no right under the Act to seek personal information of the petitioner. The respondent No. 2 / appellate authority has erred in directing the petitioner to furnish the information as sought for by the respondent No. 3. As the respondent's application is vexatious and it is an attempt made to settle scores with the petitioner."*

In the case in hand, the Appellant is seeking the information of the official of the public authority instead of the public affairs of the public authority.

17. Usually, private information cannot be put in public domain. The Commission also cannot be oblivious to the fact that the personal information, when allowed to be accessed by third parties has the potential to expose the owner of such information to mischief, harassment, intimidation, defamation and worse. Right to Information cannot be interpreted as to allow poaching the third parties in to personal domain. Therefore, protection of personal information, especially of a third party, is a valuable privilege which should not be lightly done away with or diluted.
18. Nevertheless, considering the nature of rest of the information sought by the Appellant at point No. 5, same do not constitute personal information and the Appellant is entitled for the said documents viz (i) Copy of approval letter received from the Department of Education to fill up the post of Principal of the authority. (ii) Advertisement published in Newspapers (iii) Minutes of interview (iv) Appointment letter (v) Joining letter.
19. Considering the facts and circumstances, the appeal is partly allowed. The Commission hereby direct the PIO to furnish the information to the Appellant within **FIFTEEN DAYS**, as elaborated hereinabove at paragraph No. 18 of the order.
- Proceedings closed.
  - Pronounced in the open court.
  - Notify the parties.

Sd/-

**(Vishwas R. Satarkar)**

State Chief Information Commissioner