GOA STATE INFORMATION COMMISSION
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Appeal No. 295/2021/SCIC

Dr. Ashutosh Prabhu Dessai,
Associate Professor,
R/o. I/4, Namrata Bldg,
Cardozo Wado, Taleigao,
Panaji-Goa 403002. .....Appellant

V/S

1. The Public Information Officer,
Goa University (Legal Section),
Goa University,
Taleigao Plateau, Taleigao.

2. The Public Information Officer,
Goa University (Examination Section),
Goa University,
Taleigao Plateau, Taleigao.

3. The First Appellate Authority,
Goa University,
Taleigao Plateau, Taleigao. .....Respondents

Shri. Vishwas R. Satarkar State Chief Information Commissioner

Filed on: 14/12/2021
Decided on: 13/04/2023

FACTS IN BRIEF

1. The Appellant, Dr. Ashutosh Prabhu Desai, r/o. I/4, Namrata Building , Cardozo Wado, Taleigao, Panaji-Goa vide his application dated 14/07/2021 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information and inspection of file from the Public Information Officer (PIO), Goa University, Taleigao Plateau, Goa.

2. The said application was responded by the PIO on 22/07/2021 in the following manner:-

> *"This is with reference to your above referred RTI application.*
> *In this regards I am forwarding the point wise replies received from the concerned PIO's of the University:*

Point No.		Reply provided by
1,2,3,4	Annexure A-B-C (183 pages) D (1 page)	Assistant Registrar, Legal Section PIO, Goa University.
5	Annexure E (1 page)	Assistant Registrar, Examination Professional PIO, Goa University.

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal on 25/08/2021 before the First Appellate Authority (FAA).

4. The FAA vide its order dated 02/09/2021 partially allowed the first appeal and directed the PIO to furnish the information at point No. 2 and 3 to the Appellant.

5. Since the Respondent No. 2 failed to comply the order of the FAA, the Appellant landed before the Commission with this second appeal under Section 19(3) of the Act seeking various reliefs.

6. Notices were issued to the parties, pursuant to which the Appellant appeared in person on 18/01/2022, Adv. R. Falari appeared on 28/02/2022 and placed on record the reply of the Respondent No. 1 and 2. The FAA duly served opted not to appear in the matter.

7. Perused the pleadings, replies and scrutinised the documents on record.

8. The Respondent No. 1, Assistant Registrar Legal of the Goa University by her reply dated 25/02/2022 contended that, the information pertaining to query number 1 to 3 in fact could not have been demanded from the Goa University who was respondent in Writ Petition No. LD/VC/CW/48/2020, the certified copies of the documents forming part of the Court record and ought to have sought, obtained from the respective court only.

Further, according to the Respondent No. 1, the inspection of file was carried out by the Appellant on 04/08/2021 and queries made by the Appellant were complied with by the Legal Assistant Registrar thereby providing photo copies of identified documents.

9. The Respondent No. 2, Ms. Qubilah D'Souza through her reply dated 28/02/2022 contended that, the names of the examiner who are involved in the examination process could not be furnished as being exempted under the Act.

Further, according to her, she has acted in accordance with the provisions of the Act and prayed to dismiss the appeal.

10. On going through the material on record, it appears that the Appellant is seeking the certified copy of Memo of Writ Petition No. LD-VC-CW/48/2020; Affidavit filed by the Respondent in said Writ Petition; rejoinders and sur-rejoinder filed by the petitioner and respondent before the Hon'ble High Court. The above stated documents are neither generated in the office of Goa University nor in the control of the office of Goa University and same would be the records of Writ Petition forming part of the Court records and Appellant needs to obtain the same from relevant Court only. Therefore, I completely accede with the submissions put forth by the PIO in the light of Section 8(1)(h) of the Act.

11. Another grievance of the Appellant that he is not provided with the details of the examiner panel list for his post graduate examination conducted in July 2021. The Respondent No. 2 categorically submitted that the decision not to reveal the names of the examiners is being justified as per exemption clause as contemplated under Section 8(1)(e) of the Act.

12. At this stage, it would be appropriate to refer to the judgement of Hon'ble Supreme Court in the case **Kerala Public**

Service Commission v/s State Information Commission, Kerala & Anrs. ((2016) 3 Supreme Court Cases 417) in which the court observed as under:-

> *"8..... We would like to point out that the disclosure of the identity of Examiners is in the least interest of the general public and also any attempt to reveal the examiner's identity will give rise to dire consequences. Therefore, in our considered opinion revealing examiner's identity will only lead to confusion and public unrest. Hence, we are not inclined to agree with the decision of the Kerala High Court.*
>
> *9..... If we allow disclosing name of the examiners in every exam, the unsuccessful candidates may try to take revenge from the examiners for doing their job properly. This may, further, create a situation where the potential candidates in the next similar exam, especially in the same state or in the same level will try to contact the disclosed examiners for any potential gain by illegal means in the potential exam."*

In view of the aforesaid principles laid down by the Hon'ble Apex court, no case is made out by the Appellant.

13. In the present case, the RTI application of the Appellant dated 14/07/2021 has been replied on 22/07/2021, i.e. within stipulated time. The PIO also allowed the inspection of file on 04/08/2021 and furnished the photo copies of documents which were identified by the Appellant. Therefore, I do not find that any action of the PIO is contrary to the law. The appeal is devoid of any merit and hence I dispose with the following:-

ORDER

- The appeal stands dismissed.
- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner