

**GOA STATE INFORMATION COMMISSION**

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

**Appeal No. 124/2023/SIC**

Mrs. Rashmi Shirodkar,  
H. No. 370/1, Chinch Bhatwadi,  
Mayem, Bicholim-Goa 403504.

-----Appellant

**v/s**

1. Public Information Officer,  
Mahila Nutan High School,  
Comba, Margao-Goa.

2. First Appellate Authority,  
Dy. Director of Education South Zone,  
Margao-Goa.

-----Respondents

**Relevant dates emerging from appeal:**

RTI application filed on	: 27/12/2022
PIO replied on	: 24/01/2023 & 25/01/2023
First appeal filed on	: 03/02/2023
First Appellate Authority order passed on	: 10/03/2023
Second appeal received on	: 11/04/2023
Decided on	: 31/07/2023

**ORDER**

1. The appellant, under Section 6 (1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act'), had sought from Respondent No. 1, Public Information Officer (PIO) information pertaining to recruitment of primary teacher and M.T.S. on permanent bases. Being aggrieved by refusal of part information, she filed first appeal before Respondent No. 2, First Appellate Authority (FAA), which was disposed by the FAA vide order dated 10/03/2023. It is the contention of the appellant that the PIO as well as FAA have failed to provide her complete information, hence, she has appeared before the Commission by way of second appeal against Respondent No. 1, PIO and Respondent No. 2, FAA.
2. Notice was issued to the concerned parties pursuant to which appellant appeared in person and prayed for the remaining information. Advocate Shailesh D. Redkar and Advocate Melisha Colaco appeared on behalf of the PIO and filed reply on 14/06/2023.
3. Appellant stated that, she had sought information pertaining to the appointment of staff in Mahila Nutan High School, Margao-Goa, however PIO failed to provide complete information within the

stipulated period. Appellant further stated that being aggrieved, she had filed first appeal. The said appeal was heard and decided by the FAA, yet she did not get complete information. Appellant further stated that, though she had not appeared for the examination or the interview for any of the post, she has sought the information under the Act and that she prays for complete information.

4. PIO submitted that, information eligible for disclosure under the Act has been furnished within the stipulated period and only that information which is exempted from disclosure under Section 8 (1) (e) and 8 (1) (g) was denied to the appellant. Information pertaining to the personal details of all candidates was submitted to the school by the respective candidates in a fiduciary relationship, hence the school authority is required to protect the said information from disclosure. Similarly, information, disclosure of which may endanger the life or physical safety of the members of the Board or interviewers or examiners was not disclosed, as provided under the law.
5. PIO further submitted that the appellant was neither a candidate for the examination nor the interview. Hence, furnishing of the entire information with respect to all the candidates will not serve any purpose. Also, the appellant has not sought the said information in larger public interest. Thus, the PIO is justified in denying the same. PIO further contended that, the FAA did not provide any opportunity to the PIO of being heard and written arguments filed before the FAA were not considered, thus the order of the FAA is hit by the principle of natural justice.
6. Upon perusal of the records of the present matter it is seen that, the appellant vide application dated 27/12/2022 had sought viz. (a) information on 21 points pertaining to recruitment of primary teacher and (b) information on 23 points pertaining to recruitment of M.T.S on permanent basis. PIO vide reply dated 24/01/2023 furnished information with respect to (a) on point no. 1 to 8, 12, 13 and 20 and denied information on point no. 9, 10, 11, 14, 15, 16, 18,19 and 21. Later, FAA vide order dated 10/03/2023 directed PIO to furnish information on point no. 9, 10, 11, 14, 16, 19 and 21. Similarly, PIO vide reply dated 25/01/2023 furnished information with respect to (b) on point no. 1 to 6, 8, 9, 10, 13, 14 and 22 and denied information on point no. 7, 11, 12, 15 to 21 and 23. Later, FAA vide order dated 10/03/2023 directed PIO to furnish information on point no. 7, 11, 12, 15, 16 and 21.

7. It is noted that, the appellant is aggrieved by the action of the PIO as well as the direction of the FAA, since she wishes to get the entire information. Further, PIO being aggrieved by the order of the FAA, has prayed for quashing and setting aside the said order. This being the case so far, the Commission needs to decide on following issues:-

- (i) Whether the PIO is required to furnish the remaining information to the appellant?
- (ii) Whether the order of the FAA is required to be quashed and set aside?

8. Facts of issue (i) and findings thereupon:-

(A) With respect to part (a) of the application, information rejected by the PIO is as follows:-

- 9. All documents submitted by the selected candidate
- 10. Total no of applications received and documents of all candidates
- 11. Name of ADEI present during the selection.
- 14. Complete file of primary teacher post. (Inward and outward documents between your school and department).
- 15. Name of non-teaching & teaching staff present during the interview date.
- 16. Name of person who set the question paper.
- 18. Name of staff who did the sealing of question papers.
- 19. Name of candidates with signature by them, who were witnesses while opening the seal of question paper during exam.
- 20. Copy of all the answer sheets of candidates.

The appellant under the above mentioned points has sought all the documents of all the candidates and selected candidates, complete file of correspondence between the school and the department, answer sheets of all candidates etc. The documents sought contains information such as educational qualification, previous experience, etc which can be furnished by the PIO. However, some documents contain personal information such as address, contact details etc. These documents were submitted to the authority by the candidates in fiduciary relationship and the disclosure of the same is not warranted in view of any public interest. Also, the appellant in the instant matter has stated that she had neither applied for any post, nor appeared for the examination. Meaning, she has not sought her own information.

Here, the Commission finds that, the information sought on point 9 and 10 is related to the candidates who submitted their information to the PIO's office in a fiduciary relationship, hence the same is exempted from disclosure under Section 8 (1) (e) of the Act.

Further, information sought on point no. 11, 15, 16, 18 and 19 pertains to the process of examination and the selection of the candidates. Identity of the persons associated with the examination and the selection process is required to be protected from disclosure under Section 8 (1) (g) of the Act. Thus, PIO is not required to furnish the said information.

Further, with respect to information requested on point no. 14 and 21, the Commission is of the opinion that the said information could have been furnished to any person if one was the candidate or the examinee to the post of the teacher. In the present matter, the appellant was not the candidate, still seeking information of all the candidates, examiners correspondence between the School and the Education Department, answer sheets of all the candidates. Though the RTI Act is a beneficial Act, enacted in order to bring transparency and accountability in the administration of public authorities, a scenario should not arise where any citizen rises up to question every appointment done by the public authority, by seeking all the details pertaining to the examinations, interviews and the process of selection / recruitment of candidates, completed by the authority upon following due procedure. Having said this, if any candidate, aggrieved by the process applied for such information, the said request will have to be treated as per the merit of the case. Thus, the information on point no. 14 and 21 with respect to part (a) of the application is not required to be furnished.

(B) With respect to part (b) of the application, information rejected by the PIO is as follows:-

7. Total no of applications received and documents of all candidates.
11. All the documents submitted by the selected candidates.
12. Name of ADEI present during the selection.
15. Complete file of M.T.S post. (Inward and outward documents between your school and department).
16. Name of staff who have taken the interview.
17. Name of non-teaching & teaching staff present during the interview date.
18. Name of person who set the question paper.
20. Name of staff who did the sealing of question papers.
21. Names of candidates with signature by them, who were witnesses while opening the seal of question paper during exam.
23. Copy of all the answer sheets of candidates.

The appellant under the above mentioned points has sought all the documents of all the candidates and selected candidates, complete file of correspondence between the school and the department, answer sheets of all candidates etc. The documents sought contains information such as educational qualification, previous experience, etc which can be furnished by the PIO.

However, the some documents contain personal information such as address, contact details etc. These documents were submitted to the authority by the candidates in fiduciary relationship and the disclosure of the same is not warranted in view of any public interest. Also, the appellant in the instant matter has stated that she had neither applied for any post, nor appeared for the examination. Meaning, she has not sought her own information.

Here, the Commission finds that, the information sought on point 7 and 11 is related to the candidates who submitted their information to the PIO's office in a fiduciary relationship, hence the same is exempted from disclosure under Section 8 (1) (e) of the Act.

Further, information sought on point no. 12, 16, 17, 18, 20 and 21 pertains to the process of examination and the selection of the candidates. Identity of the persons associated with the examination and the selection process is required to be protected from disclosure under Section 8 (1) (g) of the Act. Thus, PIO is not required to furnish the said information.

Further, with respect to information requested on point no. 15 and 23, the Commission is of the opinion that the said information could have been furnished to any person, if one was the candidate or the examinee to the post of the teacher. In the present matter, the appellant was not the candidate, still seeking information of all the candidates, examiners correspondence between the School and the Education Department, answer sheets of all the candidates. Though the RTI Act is a beneficial Act, enacted in order to bring transparency and accountability in the administration of public authorities, a scenario should not arise where any citizen rises up to question every appointment done by the public authority, by seeking all the details pertaining to the examinations, interviews and the process of selection / recruitment of candidates, completed by the authority upon following due procedure. Having said this, if any candidate, aggrieved by the process applied for such information, the said request will have to be treated as per the merit of the case. Thus, the information on point no. 15 and 23 with respect to part (b) of the application is not required to be furnished.

9. In similar matters as held by the Hon'ble Supreme Court in Bihar Public Service Commission v/s. Saiyyed Hussain Abbas Rizwi and Anr., Kerala Public Service Commission v/s. State Information Commission & Anr., and Central Board of Secondary Education & Anr. v/s. Aditya Bandopadhyay & Ors., the Commission holds that the information as mentioned at Para 8 (A) and 8 (B) is exempted under

Section 8 (1) (e) and 8 (1) (g) from disclosure and the PIO is not required to furnish the same.

10. Now, with respect to issue (ii) as enlisted at Para 7, it is seen that the FAA had directed the PIO to furnish information (part (a) of application) on point no. 9,10,11,14,16,19 and 21. However, as discussed in Para 8 (A) above, the same is exempted from disclosure under Section 8 (1) (e) and 8 (1) (g) of the Act. Similarly, FAA had directed the PIO to furnish information (part (b) of the application) on point no. 7, 11, 12, 15, 16 and 21. However, as discussed in Para 8 (B) above, the same is exempted from disclosure under Section 8 (1) (e) and 8 (1) (g) of the Act. As a consequence, the order of the FAA deserves to be quashed.
11. The Hon'ble High Court of Rajasthan, in Writ Petition No. 10828/2012 in the matter as Hardev Arya V/s. Chief Manager (Public Information Officer) and Others has held in para 12:-

*"12. It is true that Parliament has enacted the Right to Information Act, for transparency in administration, so also affairs of the state so as to strengthen the faith and trust of the people in the governance of the country. Therefore, the Act is a vital weapon in the hands of the citizens. At the same time, however, this may not be lost sight of that no law shall be allowed to be wielded unlawfully so as to put it to abuse or misuse. Every statute acts and operates within its scope and ambit, therefore, the duty rests with the Courts to discourage litigious obduracy."*

12. In another matter the Hon'ble Supreme Court of India in Civil Appeal No. 6454 of 2011 (arising out of SLP (c) No. 7526/2009) in the case of Central Board of Secondary Education and Another V/s Aditya Bandopadhyaya and Ors. has held in para 37:-

*"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are*

*given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquillity and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."*

13. In the light of above mentioned judgements and in the background of the findings of the Commission in the present matter, it is held that the appellant has made indiscriminate requests for information, not related to transparency and accountability in the administration of public authority, nor the request specifies any larger public interest in seeking the said information. Thus, the Commission concludes that the instant appeal is bereft of merit and the same needs to be disposed accordingly.
14. Hence, the present appeal is disposed with the following order:-
  - a) The order dated 10/03/2023, passed by the FAA is quashed and set aside.
  - b) The present appeal 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.