

GOA STATE INFORMATION COMMISSION
 "Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001
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Appeal No. 173/2024/SCIC

Shri Avinash Bhikaji Dangui,
 Flat No. T-9, Priyanka Enclave Hsg. Society,
 Behind Kerkar Hospital,
 Aquem, Alto, Margao-Goa 403601.

-----Appellant

V/s

1.The Public Information Officer,
 Head Master, Shree Damodar Vidyalaya
 English High School,
 Comba, Margao-Goa 403601.

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

-----Respondents

Shri. ARAVIND KUMAR H. NAIR - State Chief Information Commissioner, GSIC

Relevant Facts Emerging from the Appeal

RTI application filed on	- 22-06-2024
PIO replied on	- 24-06-2024
First Appeal filed on	- 27-06-2024
First Appellate order on	- Nil
Second appeal received on	- 19-08-2024
First Hearing held on	- 30-01-2025
Decision in the Second Appeal on	- 25-03-2025

Information sought and background of the Appeal

- Shri Avinash Bhikaji Dangui filed an RTI application dated 22/06/2024 to the PIO, Shree Damodar Vidyalaya English High School seeking certified copy of the letter with outward number SDVEHS/M.H.S/2024-2025/49.
- In response to the RTI application dated 22/06/2024, the PIO vide letter dated 24/06/2024 furnished copy of the letter with outward number SDVEHS/M.H.S/2024-2025/49 to the Appellant.

3. Thereafter, Appellant filed first appeal dated 27/06/2024 (inwarded on 01/07/2024 at South Educational Zone, Margao) to the First Appellate Authority (Dy. Director of Education, South Educational Zone, Margao) stating that the Respondent furnished the information dated 24/06/2024 by speed post which is received by the Appellant on 26/06/2024. Appellant further stated that the information furnished on Page No.1 is vague in nature and on Page No.2 is incomplete. According to the Appellant the information provided at Page No.2 is uncertified one and prayed that Respondent PIO be directed to furnish the correct and complete information.
4. Thereafter, Appellant preferred Second appeal dated 19/08/2024 before the Commission. Documents furnished by the Appellant along with Second appeal does not contain order passed by the First Appellate Authority.
5. In the Second appeal, Appellant stated that Respondent No.2 (FAA) did not issue notice of hearing within the stipulated time or till date and the Appellant is aggrieved by Respondent PIO providing information without certification. Appellant prayed for direction to the Respondent PIO to provide information with certification and impose fine of an amount of Rs. 15,000/- against Respondent No.1 for furnishing incomplete information and fine of Rs. 15,000/- against Respondent No.2 for not issuing notice of hearing.

FACTS EMERGING IN COURSE OF HEARING

6. Pursuant to the present appeal, parties were notified fixing the matter for hearing on 30/01/2025 for which Appellant appeared along with his lawyer, Adv. Avinash Nasnodkar but Respondents were absent.
7. When the matter taken up for hearing by the SCIC on 27/02/2025 Appellant appeared with his advocate and Respondent PIO appeared in person. Commission directed the Respondent PIO that the information sought by the Appellant vide his RTI application dated 22/06/2024 be furnished and adjourned the matter for further hearing on 25/03/2025.

8. Appellant and Respondent PIO appeared in person for the hearing held on 25/03/2025. During the oral argument, Respondent PIO submitted that he has furnished the information vide letter dated 24/06/2024. Appellant admitted that he has received the information but it is incomplete as the document provided by the Respondent PIO is 'uncertified' one.
9. Perusal of materials confirm that the Respondent PIO had furnished information sought by the Appellant but as the document(information) provided by the Respondent PIO is 'uncertified' one, Commission directed the Respondent PIO to furnish 'certified' document to the Appellant within 3 days.
10. Accordingly, Respondent PIO (Shri Keshav B. Naik) filed a written submission dated 25/03/2025 that he will furnish 'certified' copy of the document (letter bearing outward No. SDVEHS/M.H.S/2024-2025/49 to the Appellant within two days.
11. Based on the written submission of the Respondent PIO to furnish certified documents within two days, Appellant has requested the Commission to dispose the present appeal.

COMMISSION OBSERVATIONS

- i. RTI application of the Appellant dated 22/06/2024 was promptly replied by the Respondent PIO vide letter dated 24/06/2024. i.e. within two days of the receipt of the application.
- ii. Only lapse noticed on the part of the Respondent PIO is that the document furnished by the PIO was 'uncertified' instead of 'certified'.
- iii. Since Section 7 of the RTI Act 2005 makes it very clear that "*On receipt of a request under section 6 shall be disposed as expeditiously as possible, and in any case within 30 days of the receipt of the request.*"

In this particular case, the Appellant could have obtained 'certified' copy of the document from the PIO instead of abruptly filing first appeal dated 27/06/2024 before the First Appellate Authority.

- iv. The time gap between original RTI application dated 22/06/2024 and the appeal dated 27/06/2024 in mere 04 days and it is tantamount to the abuse of the provisions of the Act. Under the Act, PIO has 30 days to furnish information from the date of receipt of an application.
- v. The FAA has not acted in the appeal as it filed against the norms specified for the duration of time for appeal at each phase.
- vi. The present appeal was fit for dismissal or remand back to the First Appellate Authority but Commission took a lenient approach for the benefit of the Appellant.

DECISION

- i. **Considering the Respondent PIO's written assurance to furnish certified document as sought by the Appellant vide RTI application dated 22-06-2024 within two days and duly agreed the same by the Appellant, Commission disposed off the present appeal today i.e. 25/03/2025 with the direction to the Respondent PIO to furnish the information within two days as assured to the Commission.**
- ii. **There is no ground at all in the present appeal warranting penal or disciplinary action against the Respondent PIO, as he acted according to the provisions of the RTI Act. However, Commission directs the Appellant to follow the provisions laid down by the Act while filing applications and appeal, under the RTI Act, 2005.**
 - Proceeding stands closed.
 - Pronounced in Open Court.
 - Notify the parties.

Sd/-

(ARAVIND KUMAR H. NAIR)
State Chief Information Commissioner, GSIC

