

GOA STATE INFORMATION COMMISSION

"Kamat Towers" 7th Floor, Patto Plaza, Panaji, Goa – 403 001

Tel: 0832 2437208, 2437908 E-mail: spio-gsic.goa@nic.in

Website: www.gsic.goa.gov.in

Appeal No. 177/2023/SCIC

Dr. Susanta Kumar Pradhan,
B-105, Mathura Enclave,
Alto-Savlem, Pilerne,
Goa 403114

...Appellant

V/s

1.The Public Information Officer (PIO),
State Council of Educational Research & Training (SCERT),
Porvorim - Goa 403521

2.The First Appellate Authority (FAA)/ Director,
State Council of Educational Research & Training (SCERT),
Porvorim-Goa403521

....Respondents

Shri. Vishwas Satarkar, State Chief Information Commissioner

Filed on:26/05/2023
Decided on: 13/02/2024

ORDER

1. The Appellant, Dr. Susanta Kumar Pradhan, r/o B-105, Mathura Enclave, Alto Savlem, Pilerne, Bardez-Goa, vide his application dated 25/11/2022 filed under Section 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as Act), sought 13 point information from the Public Information Officer (PIO), State Council of Educational Research and Training (SCERT), Porvorim-Goa.
2. Said application was responded by the PIO on 26/12/2022 and provided the information to the Appellant at serial No. 2, 3, 4, 6

and 8 and the rest of the information has been denied as not available in the records of the public authority.

3. Being aggrieved and not satisfied with the reply of the PIO, the Appellant filed first appeal before the Director, State Council of Educational Research and Training at Porvorim-Goa on 24/01/2023, being the First Appellate Authority (FAA).
4. The FAA, vide its order dated 27/02/2023, partly allowed the first appeal and directed the PIO to provide the available information from the records and as agreed by both parties before him, within fifteen days.
5. According to the Appellant, since the PIO failed and neglected to comply with the order of the FAA, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act, with the prayer that the PIO be directed to provide correct and complete information.
6. Notices were issued to the parties, pursuant to which, the Appellant appeared in person on 28/06/2023, the PIO Shri. Devidas Kudav appeared and filed his reply on 03/08/2023, The FAA, Dr. Shambhu Ghadi appeared and placed on record his reply dated 03/08/2023.
7. Perused the pleadings, replies, rejoinder, scrutinized the documents on record and considered the submissions of the rival parties.
8. It is the case of the Appellant that, the reply of the PIO dated 26/12/2022 was misleading and incomplete and therefore, the PIO has acted against the spirit of the RTI Act. The Appellant also contended that the order of the FAA was also not in line

with the spirit of the RTI Act and contended that he is entitled for the information.

9. On the other hand, the PIO contended that he has replied the RTI application within stipulated time and provided the available information to the Appellant.

Further, according to the PIO, he complied with the order of the FAA dated 27/02/2023 and vide letter No. SCERT/Adm/RTI 337/2021 (Vol.III)/1023 dated 24/05/2023, he provided rest of the information to the Appellant.

The PIO further contended that, the Appellant has been filing various applications seeking vague and voluminous information only with the intention of harassing the PIO and Public authority and all such applications are filed with vested interest.

10. The FAA, through his reply dated 03/08/2023, contended that, his predecessor the FAA, Shri. Nagaraj G. Honnekeri has decided the First appeal on 27/02/2023 as per his wisdom. According to him, the Appellant and the PIO has agreed to the decision made by the FAA and duly acknowledged with signature.

Further, according to the FAA, the Appellant, Dr. Susanta Kumar Pradhan is identified to be the faculty of SCERT is the witness and signatory of all the files and noting pertaining to Goa Teachers Eligibility Test (GTET).

Further, according to the FAA, the files pertaining to GTET was in the custody of the Appellant, he being the Nodal Officer of SCERT, Goa and looking after Goa Teachers Eligibility Test. Since the Appellant did not provide the information called for by the PIO the note was issued to other Officer,

Ms. Jyotsna Sarin who is posted at SCERT Office by the Director of Education to look after the conduct of GTET. Eventually, Ms. Jyotsna Sarin provided the information and same was supplied to the Appellant, by the PIO.

11. Having gone through the entire material on record, it is revealed that the Appellant, the PIO and the FAA are working in the State Council of Educational Research and Training, Porvorim-Goa. The Government of Goa has entrusted them with the responsibility of conducting the Goa Teachers Eligibility Test (GTET) and they are holding high positions in the SCERT, institution. However, it appears that there is a lack of trust and confidence among them. The record shows that the Appellant himself is a Nodal Officer of GTET Cell and designated APIO of the SCERT.

12. Upon receipt of the order of the FAA dated 27/02/2023, the PIO vide letter No. SCERT/Adm./RTI/337/2021/Vol. III/538 dated 03/03/2023 sought information from the Appellant under Section 5(4) of the Act, being the Nodal Officer of GTET Cell and custodian of information. However, the record indicates that the Appellant has refused to accept said letter. After that, the Director of SCERT instructed Ms. Jyotsna Sarin, another Officer of the GTET Cell to provide the information and eventually, after receiving the information from Ms. Jyotsna Sarin, the same was supplied to the Appellant.

13. It is a consistent stand of the PIO that, available information has been furnished to the Appellant, to further resolve the issue the PIO offered an opportunity to inspect the records. The Commission also tried to sort out the issue

amicably by offering the inspection of records in the open hearing. However, the Appellant refused to carry out inspection for the reason best known to him. If the Appellant was really interested in securing access to the information, he should have chosen a proactive role by inspecting the record and obtain the information as directed by the FAA. In the present case, there does not appear to be a dispute about the obtaining the information from the Public authority, however in the garb of obtaining the information, the Appellant want to score personal vendetta.

14. In the case in hand, the PIO has replied the RTI application within the stipulated time. The PIO also complied the order of the FAA dated 27/02/2023 and has furnished all the available information to the Appellant. The Appellant substantially failed to establish that the information sought for is actually generated by the Public authority and the PIO denied said information with malafide intention.

15. The Hon'ble High Court of Andhra Pradesh in **Divakar S. Natarajan v/s State Information Commissioner A.P. (AIR 2009 (NOC) 1362 (AP))** has held that:-

"26. The Act is an effective devise, which if utilised judiciously and properly, would help the citizen to become more informed. It no doubt relieves an applicant from the obligation to disclose the reason as to why he wants the information. However, indiscriminate efforts to secure information just for the sake of it, and without there being any useful purpose to serve, would only put enormous pressure on the limited human resources, that are available. Diversion of such resources, for this task

would obviously, be, at the cost of ordinary functioning. Beyond a point, it may even become harassment for the concerned agencies. Much needs to be done in this direction to impart a sense of responsibility on those, who want to derive benefit under the Act, to be more practical and realistic.”

16. Considering the facts and circumstances hereinabove, I do not find anything on record to show that the PIO has acted contrary to the law. I find no merit in the appeal and therefore dispose the appeal with the following:-

ORDER

- The Appeal is dismissed.
- Proceeding closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)

State Chief Information Commissioner