

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

**Tel No. 0832-2437880/2437208**

**email: [spio-gsic.goa@nic.in](mailto:spio-gsic.goa@nic.in)**

**website: [www.gsic.goa.gov.in](http://www.gsic.goa.gov.in)**

**Shri. Atmaram R. Barve**

**State Information Commissioner**

**Appeal No. 244/2024/SIC**

Mrs. Bernardina Rita Pereira,  
R/o. H. No. 173/4, Near MES College,  
Zuarinagar, Mormugao, South Goa,  
403726

**.....Appellant**

**V/s**

1)The Additional Director of Education,  
First Appellate Authority (FAA),  
Department of Education,  
Porvorim-Goa

2)The Public Information Officer (PIO),  
Department/Directorate of Education,  
Education Complex, Porvorim-Goa

**.....Respondents**

Filed on: 04/11/2024

Disposed on: 25/02/2025

1. The present second appeal arises out of the Right to Information (RTI) Application dated 11/06/2024 addressed to the Public Information Officer (PIO) Directorate of Education, Govt. of Goa by Smt. Bernardina Rita Pereira, the Appellant herein.
2. Upon perusal of the Appeal memo the gross negligence, non-responsiveness and utter disregard towards the duties and obligation entrusted under the Right to Information Act 2005, on the part of the Public Information Officer as well as the first Appellate Authority (FAA) in the Directorate of the Education has come to the fore.

3. It is noteworthy that in spite of passage of more than 8 months the Public Information Officer (PIO) has not even deemed it necessary to issue a response to the Right to Information application which the PIO is duty bound to issue within the first 30 days from the receipt of the application.
4. Aggrieved by the inaction on the part of the PIO, the Appellant herein preferred the first appeal dated 18/07/2024.
5. The Appellant herein till date has not even been served with any notice thus clearly indicating that no proceedings in so far as the first appeal is concerned have been commenced till date.
6. On the present day of hearing the PIO Smt. Maya Morajkar offered to provide certain information to the Appellant herein. However, the said information was not certified and at the same time it was found to be insufficient thereby not serving the purpose of the appellant's RTI application as well as the subsequent appeals.
7. Therefore, in view of the above, this Commission is of the considered opinion as under:-
  - a. The PIO, Smt. Maya Morajkar is found to have shown complete negligence towards her duties and obligation as set out under section 4 of the RTI Act, 2005 and also failed to dispose the

request of the information seeker in terms of the section 7 of the RTI Act.

- b. The conduct of the PIO clearly attracts penalty in terms of section 20 of the Right To Information Act wherein information has been denied to the seeker.
  - c. The conduct of the first Appellate Authority is also questionable and reeks of malafide intent whereby gross prejudice has been caused to the right of the information seeker in this matter.
  - d. The first appellate authority has been entrusted the duty of adjudicating the claims of the information seeker as well as the PIO whereby such matters could be resolved within a reasonable time
  - e. Inaction on the part of the first Appellate Authority is a serious shortcoming and cannot be left unattended as the same would lead to breach of trust in the eyes of the general public towards the authorities constituted under the RTI Act.
8. In view of the above the present second appeal is disposed with the following orders:-
- a) The present second appeal is allowed.

- b) The Public Information Officer (PIO), Smt. Maya Morajkar is directed to provide physical inspection of the concerned documents as listed by the appellant herein in her RTI application dated 16/06/2024 on Monday 10/03/2025 during office hours and provide certified true copies of the documents therein free of cost on the same day.
- c) Registry to issue show cause notice to the PIO, Smt. Maya Morajkar seeking clarification as to why no penalty or disciplinary proceedings should not be initiated against her and registry to also seek compliance report in terms of the order above.
- d) The PIO to remain present with the compliance report as well as reply to the show cause notice on 13/03/2025 at 11.00 a.m. failing which necessary penalty and disciplinary proceedings will be initiated against the PIO.
- e) The Director/Directorate of Education Govt. of Goa is directed to conduct an inquiry against the relevant first Appellate Authority insofar as his inaction in hearing the first appeal filed by the Appellant herein is concerned.
- f) The Director Directorate of Education to ensure that the inquiry is completed on or before 25/03/2025 and inquiry as well as action taken report in this matter be submitted to this Commission on or before 3/04/2025.

g) No order as to cost.

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/-

(Atmaram R. Barve)

State Information Commissioner