

**GOA STATE INFORMATION COMMISSION**  
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**Shri. Atmaram R. Barve**

State Information Commissioner

**Appeal No. 136/2024/SIC**

Shri. Umakant Naik, PIO,  
Smt. Anandibai H. Naik High School,  
Karanzal, Madkai,  
Ponda-Goa.

-----**Appellant**

**V/s**

1.Dy. Director of Education/  
First Appellate Authority (FAA),  
Directorate of Education,  
Alto-Porvorim-Goa.

2.Smt. Shital Naik,  
R/o. H.No. 170/10, Shigmonenand,  
Gaunem, Bandora, Ponda-Goa.

-----**Respondents**

**Filed on: 21/06/2024**

**Disposed on: 07/01/2025**

**ORDER**

1. The present second Appeal is preferred by Shri. Umakant Naik the Public Information Officer (PIO) of Shrimati Anandibai M. Naik High School, Karanzal Madkai against the order passed by the First Appellate Authority i.e. the Deputy Director, Directorate of Education Govt. of Goa.
2. The original Right to Information (RTI) application in this context was made by Smt. Shital R. Naik on 29/11/2023.
3. Within the stipulated time frame of 30 days the concerned PIO Shri. Umakant Naik issued correspondence dated 27/12/2023 to the information seeker providing pointwise reply and also highlighted at point No. 4 and 6 respectively in the reply therein as to why such an information could not be furnished to the seeker.

4. Aggrieved by this response Smt. Shital Naik preferred the first Appeal dated 12/01/2024, before the FAA.
5. Accordingly the First Appellate Authority issued notice dated 8/03/2024 communicating Shri. Umakant Naik that hearing has been scheduled on 13/03/2024.
6. Shri. Umakant Naik vide his letter dated 15<sup>th</sup> March, 2024 addressed to the first Appellate Authority informed that the aforementioned notice has been received by him on 14<sup>th</sup> March, 2024, i.e. after the date fixed for hearing.
7. Thereafter, the first Appellate Authority passed an order on 18<sup>th</sup> March, 2024 directing the said PIO Shri. Umakant Naik to provide the desire information to the seeker within 15 working days of receipt of such order.
8. Aggrieved by this order the said PIO Shri. Umakant Naik has preferred this second appeal before this Commission.
9. In the normal course it is reasonably believed that the second appeal under this Act is a remedy available to the information seeker and not the PIO.
10. Hence the issue of maintainability of this second Appeal had to be substantially decided and as such an opportunity was given to the Appellant PIO to put forth his written submission.
11. Outrightly rejecting this Appeal on the grounds that the same is not filed by the information seeker would be inappropriate in so far as the peculiar circumstances of the matter in question are concerned.
12. Upon perusal of the Appeal memo annexure and the written submissions of the Appellant and also considering the counter arguments of the Respondent No. 2 in this matter this Commission is of the considered opinion as under:-

- a) There cannot be a uniform and blanket approach towards second appeals filed by PIO's and that maintainability aspect should be ascertained every single time such appeals are filed.
- b) The conduct of the First Appellate Authority herein raises the factor of suspicion in so far as the haste shown in deciding the first appeal is concerned.
- c) *Audi alteram parte* is an important factor while deciding any matter and it is the foremost duty of any adjudicating authority to give a fair chance to all the parties to be heard impartially.
- d) The first Appellate authority ought to have heard the PIO Shri. Umakant Naik before passing any orders and ought to have gone into the merits of this matter.
- e) It is pertinent to take note of the submissions of the PIO Shri. Umakant Naik in so far as the seriousness and sensitivity of the matter in question and the First Appellate Authority ought to have considered the severity of the impact of such a disclosure. On the third party who is the subject matter of the original RTI application

13. In the light of the above the present second appeal is disposed off with following orders:-

- a. The First Appellate Authority is hereby directed to hear the first Appeal afresh within 10 days of receipt of this order.
- b. A fair and reasonable opportunity be given to the PIO to put forth his contentions in so far as his stand on nondisclosure of certain information is concerned.

- c. The contention of the information seeker shall also be duly considered by the First Appellate Authority to have a fair, unbiased and impartial decision in this matter.
- d. First Appellate Authority to decide the matter within the stipulated time frame and issue authenticated copies to the concerned parties by way of Registered A. D.
- e. Present proceeding stands disposed off accordingly and aggrieved party if any may prefer an appeal against this Order before the honorable High Court of Bombay at Goa.
- f. Upon passing of the order by the First Appellate Authority in the instant matter, the Aggrieved party if any may file second appeal before this Commission afresh.

Pronounced in the open court.

No order as to cost.

Appeal disposed accordingly.

Sd/-

**(Atmaram R. Barve)**

State Information Commissioner