

GOA STATE INFORMATION COMMISSION
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Shri. Atmaram R. Barve

State Information Commissioner

Appeal No. 200/2024/SIC

Dr. Andrew Menezes,
B-502, Esmeralda Towers,
Vodlem Bhat, Taleigao 403002.

..... Appellant

V/s

1. Ms. Avelina D'Sa e Pereira,
Under Secretary/Public Information Officer (PIO),
Directorate of Higher Education (DHE),
Porvorim-Goa, 403521
2. Dr. Gervasio S. F. L. Mendes,
Additional Director/First Appellate Authority (FAA),
Directorate of Higher Education,
Porvorim-Goa

.... Respondents

Filed on: 25/05/2024
Decided on: 06/05/2025

ORDER

1. The present second appeal arises out of the Right to Information Application dated 17/10/2023 made by Dr. Andrew Menezes, the appellant herein and addressed to the Public Information Officer (PIO) at the Directorate of Higher Education, Govt. of Goa, Porvorim-Goa.
2. Vide reply dated 20/11/2023, the PIO Smt. Avelina D'Sa E Pereira provided a detailed response with respect to points 1 to 50 of the aforementioned Right to Information application.

3. Aggrieved by this response the Appellant herein preferred the first Appeal before the appropriate authority on 20/01/2024.
4. Vide order dated 28/02/2024 the First Appellate Authority (FAA) dismissed the said first Appeal.
5. Aggrieved by the order of the First Appellate Authority (FAA) the Appellant herein preferred the second appeal before this Commission on 25/05/2024.
6. This Appeal came to be filed during the period when the former State Information Commissioner (SIC) had demitted Office and upon resumption of the regular proceeding's notices were issued on 13/11/2024 and hearings commenced from 18/12/2024 onwards.
7. The Respondent PIO filed point-wise reply to the Appeal memo on 30/12/2024.
8. In the meantime, vide application dated 10/04/2024 the Appellant herein sought recusal of the State Information Commissioner from hearing the present second Appeal while leveling allegations against the State Information Commissioner in connection to his previous Job profile.
9. On 16/04/2025 the said application was taken up and was strongly objected by the Advocate representing the PIO and thereafter, the said application was rejected.
10. Vide application dated 4/05/2025 the Appellant herein made a fresh application objecting to appointment of lawyer by the Public Information Officer.

11. Upon perusal of the Appeal memo and all other material on record, this Commission is of the considered opinion as under:-

- a) The bare perusal of the Appellants Right to Information Act application makes it clear that the Appellant intends that the PIO should affirm his queries.
- b) It is a settled position that the Public Information Officer is not required to confirm or deny the perceptions of the information seeker and rather has to provide whatever information is available to the PIO.
- c) In the instant matter the PIO appears to have provided a pointwise response to every query raised by the information seeker although the same could be construed as a likely affirmation or denial
- d) In so far as providing replies to point numbers 5, 11,12, 13, 14, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48 and 50 of the Appellants RTI application are concerned, the PIO would have to provide interpretation /opinion/explanation/advice or reason and as such is covered under section 2(f) of the RTI Act, 2005 thus providing necessary relief to the Public Information Officer (PIO).
- e) Although the information seeker may want the information to be provided in a particular style or fashion, it is not binding on the Public Information Officer so long as the said Officer provides response to the RTI Application by adhering to the framework as laid in the RTI Act.

- f) Furthermore, the information seekers also need to understand that the PIO, the FAA as well as the State Information Commission are constituted under the Right to Information Act and are aware of their rights duties and responsibilities towards successful implementation of the Right To Information Act.
 - g) The information seeker may be of any opinion or any preconceived notion, but has to be responsible before casting aspersions and drawing farfetched conclusions against the authorities constituted under the Right to Information Act.
 - h) The information seeker as well as the Public Information Officer have the right to appoint a lawyer or pleader as the case may be to put forth their contentions before this Commission.
 - i) In this instant matter the Public Information Officer (PIO) has duly appointed Advocate K. L. Bhagat with necessary orders of the Law Department Govt. of Goa and as such there is no merit in the objection raised by the Appellant herein to the appointment of the Advocate by the PIO.
 - j) There is no material on record to suggest that the PIO has denied information to the Appellant herein.
12. Therefore, in view of the above the present second appeal is dismissed with 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