

## GOA STATE INFORMATION COMMISSION

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

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### Complaint No. 64/2025/SIC-SCIC

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

-----Complainant

V/s

1.Mrs. Avelina D'Sa e Pereira,  
Public Information officer,  
Directorate of Higher Education,  
Porvorim – Goa.

2.Dr. Gervasio S.F.L. Mendes,  
First Appellate Authority,  
Additional Director,  
Directorate of Higher Education,  
Porvorim – Goa.

-----Opponents

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

### **Relevant Facts Emerging from the Complaint**

|                              |            |
|------------------------------|------------|
| <b>Complaint received on</b> | 01/08/2025 |
| <b>First hearing held on</b> | 11/11/2025 |
| <b>Decided on</b>            | 11/06/2026 |

### **Information sought and Background of the Complaint**

1. Dr. Andrew Menezes filed an application dated 17/10/2023 to the PIO, Directorate of Higher Education, Goa seeking information at 50 points in connection with the implementation/administration of Manohar Parrikar Goa Scholars Scheme for the academic year 2022-23.
2. In response to the RTI application, PIO (Under Secretary/Higher Education), Directorate of Higher Education vide letter dated 20/11/2023 furnished reply/information to the Applicant.

- 3.** Being aggrieved by the information furnished by the PIO, Applicant filed first appeal dated 21/02/2024 before the First Appellate Authority requesting to provide the information in particular the rationale/reasons for the decision taken with regards to the list of 60 eligible candidates for the Manohar Parrikar Goa Scholars Scheme for the academic year 2022-23.
- 4.** The First Appellate Authority (Additional Director of Higher Education) vide order dated 28/02/2024 dismissed the first appeal of the Appellant.
- 5.** Subsequently, Appellant preferred second appeal dated 25/05/2024 before the Commission.
- 6.** After hearing the second appeal (Appeal No. 200/2024/SIC), State Information Commissioner vide order dated 06/05/2025 dismissed the Appeal No. 200/2024/SIC on the ground that there is no material on record to suggest that the PIO has denied information to the Appellant.
- 7.** Being aggrieved by the dismissal of his Appeal No. 200/2024/SIC by the State Information Commissioner, Appellant Dr. Andrew Menezes again approached the Commission by filing a Complaint dated 01/08/2025 u/s 18 (1) (e) read with Sections 19 & 20 of the RTI Act, 2005.
- 8.** Pursuant to the filing of the Complaint, matter took up for hearing before the State Information Commissioner on 11/11/2025 for which Complainant and Opponent PIO present. The Complainant vide email dated 08/06/2025 and orally submitted that he does not wish to proceed the matter before the State Information Commissioner and prayed to place the matter before the State Chief Information Commissioner.

**9.** The file containing the Complaint and Complainant's request to place the matter before the State Chief Information Commissioner received by the State Chief Information Commissioner on January 14, 2026 and consequently instructed the Registry to fix the matter for hearing before the State Chief Information Commissioner in April 2026. Accordingly, Complaint No. 64/2025 called out for hearing before the State Chief Information Commissioner on 29/04/2026.

**10.** Complainant, Dr. Andrew Menezes, Opponent PIO, Mrs. Avelina D'Sa e Pereira and First Appellate Authority, Dr. Gervasio Mendes present. Complainant filed written submission dated 29/04/2026 stating that the present Complaint arised from the continued and unexplained non-disclosure of information relating to -

- a. Short listing and selection of meritorious application for Manohar Parrikar Goa Scholar's Scheme for the Academic year 2022-23.*
- b. Records defining merit, eligibility, gender reservation and evaluation criteria.*
- c. Certified copies of eligibility list, committee records, file notings and legal opinions.*
- d. Constitutional compliance and legal justification for classification.*
- e. Grievance resolution and order dated 12/09/2023 of the Secretary Education.*
- f. Implementation and interpretation of the Scheme under clause XVI.*
- g. Policy framework, State prerogative and legislative intent underlying the Manohar Parrikar Goa Scholar Scheme, 2018.*

**11.** Second Appeal and present Complaint originally has only two Respondents viz. Respondent No. 01 (PIO, Mrs. Avelina D'Sa e Pereira, DHE) and Respondent No. 02 (FAA, Dr. Gervasio S. F. L. Mendes, Additional Director, DHE).

But, the written submission dated 29/04/2026 of the Complainant has 04 Respondents by adding Director, DHE and Secretary, Education, Government of Goa as Respondent No. 03 and 04 respectively. Complainant cannot add more Respondents to the existing number of Respondents in the matter as per his desire.

**12.** Complainant in his written submission dated 29/04/2026 further stated that the DHE has systematically withheld material information regarding:

- a. Policy basis for treating the scheme as a welfare scheme.*
- b. Parameters used to equate PG and Doctoral Candidates.*
- c. Records of screening and selection.*
- d. Reasons for selecting ineligible candidates.*
- e. Records justifying deviation from the scheme and UGC norms.*

**13.** Relief sought by the Complainant includes :

- a. Initiate an inquiry u/s 18 into the conduct of the PIO, FAA and concerned authorities.*
- b. Direct production of all relevant documents including file noting, policy documents and legal opinions.*
- c. Impose penalty for malafide denial and delay and recommend disciplinary action against erring officials.*
- d. Fix responsibility on the PIO for failure to provide information.*
- e. Record adverse findings against the FAA for bias and failure to discharge quasi-judicial duties.*
- f. Examine contradiction between RTI denial and High Court stand.*
- g. Award compensation u/s 19 (8) (b) for the injury and detriment caused to the Complainant.*

**14.** Opponent PIO in the written submission dated 29/04/2026 stated that :

- i. All information pertaining to RTI query No. 01 to 50 was duly provided to the Complainant within the stipulated time.*
- ii. All available information relating to the Manohar Parrikar Goa Scholars Scheme (MPGSS) was proactively disclosed on the official website of the DHE, Government of Goa.*
- iii. PIO is not required to provide opinions, explanations or reasons particularly regarding the constitutionality of any scheme. Reliance placed on the Hon'ble Supreme Court decision in CBSE Vs. Aditya Bandopadhyay (2011(8) SCC 497).*

- iv. *Despite dismissal of both the First and Second appeals, the Complainant has filed the present Complaint u/s 18 of the RTI Act, which is not maintainable in law.*
- v. *Section 18 of the RTI Act provides for a Complaint mechanism in limited circumstances such as refusal to accept an application, non-response or denial of access without reasonable cause.*
- vi. *In the present case, Complainant has already availed the statutory appellate remedies u/s 19 (1) and 19(3) of the Act.*
- vii. *Present complaint is misconceived, devoid of merit and an abuse of the process of law and is liable to be dismissed.*

**15.** First Appellate Authority (Respondent No. 02) in the written submission dated 29/04/2026 stated that -

- a. *Original RTI application dated 17/10/2023 of the Complainant was disposed by the PIO/DHE on 09/11/2023.*
- b. *During the hearing before the First Appellate authority, both the parties were granted adequate opportunities, oral as well as written submission were considered, delay of 36 days in filing first appeal was condoned and first appeal was disposed on merit vide order dated 28/02/2024.*
- c. *Despite dismissal of first and second appeal, Complainant has filed the present Complaint (u/s 18 of the RTI Act) which is not maintainable in law.*
- d. *It is a settled position of law that once the appellate mechanism has been exhausted, a complaint u/s 18 cannot be invoked as a substitute for appeal on the same issue.*
- e. *Present complaint is misconceived, devoid of merit and on abuse of the process of law and hence liable to be dismissed.*

**16.** Upon perusal of the submissions of the Complainant, Opponents and their oral arguments over the nature of the scheme – whether welfare or meritorious - Presiding Commissioner directed the Opponent PIO to produce copy of the Gazette Notification about the Manohar Parrikar Goa Scholars Scheme on the next date of hearing.

**17.** Matter took up for further hearing on 11/06/2026 for which Complainant, Opponent PIO (Respondent No.01) and FAA (Respondent No. 02) present.

**18.** Complainant filed written submission dated 11/06/2026 to the reply of the PIO and FAA stating that :

- i. The Complainant seeks only information held by the Public Authority.*
- ii. The PIO has failed to demonstrate that complete information was actually furnished.*
- iii. PIO has no authority to adjudicate maintainability of the Complaint.*
- iv. Section 18 Complaint jurisdiction cannot be extinguished by prior appellate proceedings.*
- v. The conduct of the Public Authority raises serious questions of institutional fairness.*

**19.** In his written submission, Complainant prayed for direction to the Opponent PIO to produce before the Commission complete records demonstrating how each of the 50 RTI queries was answered and inquire into the circumstances leading to denial, suppression and non-disclosure of information.

**20.** As directed by the Presiding Commissioner on 29/04/2026, Opponent PIO filed copy of the Gazette Notification of the Government of Goa dated 07<sup>th</sup> May 2020, Series I No. 6, with regard to the "Manohar Parrikar Goa Scholars Scheme". The Notification narrates the aims and objections of the scheme, eligibility conditions, number of awards, application procedure, screening committee, criteria for shortlisting eligible candidates by screening committee, selection committee, extra-curricular achievements, relaxation, interpretation, Redressal of Grievances and Disputes. Opponent PIO orally submitted that information sought by the Complainant vide his RTI application dated 17/10/2023 was duly furnished to the Complainant within the stipulated time and PIO cannot provide opinions, explanation reasons etc. to the Complainant.

- 21.** FAA on record raised objection to the Complainant's bid to cast aspersion on him and objection to his presence for the hearing before the Presiding Commissioner, who outrightly rejected the Complainant's objection.

### **COMMISSION'S OBSERVATION**

- i. Opponent PIO furnished point wise information to the Complainant's 50 point RTI application dated 17/10/2023 supported by documents within the stipulated time. It was endorsed by the State Information Commissioner also, while dismissing Complainant's earlier Appeal No. 200/2024/SIC vide order dated 06/05/2025.
- ii. PIO cannot furnish explanation, reasons, opinion, interpretation etc. as expected by the information seeker.
- iii. Commission could not find any biased behaviour or anti-information seeker attitude on the part of First Appellate Authority as alleged by the Complainant. On the other hand, FAA has been noticed for a lenient approach towards the Complainant by allowing his first appeal condoning the delay of 36 days instead of rejecting the first appeal even though it was fit for rejection on the ground of delay of 36 days.
- iv. Complainant has been noticed for unwarrantedly casting aspersions on FAA and Complainant has no right at all to intrude into the authority of the Commission by raising objection to the participation of the FAA in the proceedings in the present complaint.
- v. Complainant's first appeal dated 21/02/2024, second appeal dated 25/05/2024 and the present Complaint No. 64/2025 dated 01/08/2025 originally has only two Respondents viz. Respondent No. 1 (PIO/DHE) and Respondent No. 2 (FAA/DHE) but in the written submission dated 29/04/2026 filed before the Commission, Complainant added two more Respondents. Complainant cannot add new Respondents during the course of proceedings as per his desire.

- vi. In the written submission dated 29/04/2026, Complainant stated that the Directorate of Higher Education (DHE), Public Authority in the present matter, has systematically withheld material information regarding policy basis for treating the Manohar Parrikar Scholar Scheme (MPSS) as a Welfare Scheme, parameters used to equate post graduate and doctoral candidates, records of screening and selection, reasons for selecting ineligible candidates and records justifying deviation from the MPSS and UGC norms.
- vii. PIO cannot and not bound to furnish explanation or reasons or clarification to the above cited queries of the Complainant.
- viii. The Gazette Notification dated 07<sup>th</sup> May 2020 of the Government of Goa in respect of "Manohar Parrikar Goa Scholars Scheme" clearly narrates the aims and objectives of the scheme, eligibility conditions, criteria for shortlisting eligible candidates by screening committee, composition of selection committee etc.
- ix. Clause XVII of the Scheme provides "Redressal of Grievance and Disputes" and it states that in case any grievance arising out of the implementation of the scheme, aggrieved can approach the Administrative Secretary.
- x. If the Complainant had any doubt over the criteria for selection, consideration of the marks of High School, Higher Secondary School and Degree only for Doctoral Studies, same should have been clarified from the concerned authority of the said scheme before applying for the scheme instead of raking up after candidates shortlisted/selected for the scheme.
- xi. Since the scheme offer a Redressal of Grievances and Disputes system, Complainant could have approached this forum with his grievance.

- xii. PIO or FAA cannot provide/offer any clarification, explanation, interpretation or reason over Complainant's grievance over issues like eligibility criteria, parameters used to equate PG and Doctoral candidates and deviation from the scheme and UGC norms.
- xiii. Since the Gazette Notification dated 07<sup>th</sup> May, 2020 (Series I, No. 6) of the Department of Education Art and Culture, Government of Goa made it clear that the aims and objectives of the "Manohar Parrikar Goa Scholars Scheme" is "*to promote pursuit of post-graduate and doctoral studies by talented younger population of Goa by recognising the meritorious and outstanding candidates by providing scholarship*".
- xiv. The introduction part of the scheme states that it has been framed to give financial support for talented brilliant students which is in place since 2020.
- xv. If the Complainant still has grievance over eligibility, selection criteria etc. for Doctoral students for the scheme inspite of Gazette Notification dated 7<sup>th</sup> May 2020 and Administrative Secretary's Order dated 12/09/2023 making ample clear about the purpose, aims and objectives of the scheme framed by the Government of Goa for the benefit of PG and Doctoral students, Complainant is at the liberty to approach the appropriate authority or Court of law with his grievance.

### **DECISION**

**Considering the above mentioned facts and circumstances, submission as well as oral arguments placed by the parties and the Commission's observations, present Complaint stands dismissed.**

- Proceeding stands closed.
- Notify the parties.

**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/-

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