GOA STATE INFORMATION COMMISSION

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Shri. Atmaram R. Barve State Information Commissioner

Appeal No. 124/2024/SIC

Shri SudhakarVasudev Raul,
H. No. 202/65, Kailashnagar,
Assonora, Goa
403503. ----------**Appellant**

V/s

(1)The Public Information Officer (PIO),
Directorate of Higher Education,
Porvorim–Goa.

(2)The First Appellate Authority (PIO),
The Addtl. Director of Higher Education,
Directorate of Education,
Porvorim -Goa.

(3)The Public Information Officer (PIO),
Narayan Zantye College of Commerce,
Sarvan, Bicholim – Goa 403504. ----------**Respondents**

Filed on: 20/05/2024
Disposed on: 30/01/2025

ORDER

1. The present second Appeal arises out of the Right to Information application dated 24th January, 2024 by the Appellant herein Shri. Sudhakar Vasudev Raul addressed to the Public Information Officer (PIO) of the Directorate of Higher Education Govt. of Goa, Ms. Sanjana Bandekar.

2. Vide letter dated 25th January, 2024 the PIO of Directorate of Higher Education transferred the said RTI (Right to Information) application to the Public Information Officer of Narayan Zantye College of Commerce under section 6(3) of the Right to Information Act.

3. Dr. Rajesh Amonkar the PIO of Narayan Zantye College of Commerce issued a letter to the Appellant herein on 22nd

February, 2024 asking him to collect the information upon paying of requisite fees.

4. The Appellant herein vide his letter dated 15th March, 2024 replied to the PIO of Narayan Zantye College that he is not satisfied by the act of the PIO Directorate of Higher Education wherein his application was transferred and that he does not wish to receive the said information from the said College.

5. In the mean time the Appellant herein, preferred first appeal dated 07th February, 2024.

6. The First Appellate Authority (FAA) observed that the first Appeal was filed before the deadline for furnishing of the information by the PIO of Narayan Zantye College of Commerce held ended, and dismissed the first appeal in limine

7. Aggrieved by the order of the First Appellate Authority (FAA), the Appellant herein filed the present second Appeal dated 20th May, 2024.

8. At the time of filing of the present second appeal the former had demitted the Office. And upon resumption of the regular proceedings parties were issued notice dated 06th November, 2024 and hearings commenced from 16th December, 2024 onwards.

9. The Respondent PIO vide her reply dated 16/12/2024 submitted before this Commission, her contentions in a detailed pointwise manner.

10. Respondent No. 3 the PIO of Narayan Zantye College of Commerce also filed his reply on 02nd January, 2025.

11. The Appellant filed rejoinder to the reply on 23rd January, 2025 and also submitted his written arguments in this matter.

12. Upon perusal of the Appeal Memo as well as other material on records by both the parties and upon hearing the oral arguments in this matter this Commission is of the opinion as under:-

a) The conduct of the Appellant herein appears to be that of undue haste, prejudice and arising more out of reconceived notions rather then substantial facts or legal position.

b) The Appellant herein has voluntarily kept himself away from receiving the information sought by him and which was offered to be furnished to him by the Respondent No. 3 herein.

c) There is no material on record to suggest that the conduct of Respondent No. 1 and Respondent No. 3 are against the letter or spirit of the Right to Information Act, 2005.

d) It cannot be construed that; by way of transferring the application under section 6(3) of the Right to Information Act the Respondent No. 1 has in any way denied information to the Appellant herein.

e) By way of refusing to collect the information and by filing the first appeal even before the stipulated time limit could end, the Appellant herein has displayed unjustifiable haste as well as prejudice thereby acting against the desired spirit of this Act.

13. Therefore in view of the above this Commission has observed that the Appellant herein has willfully chosen not to avail the remedy and thus has come before this Commission with unclean hands. And as such the present second appeal is dismissed.

14. No order as to cost.

15. Pronounced in the open court

Appeal dismissed accordingly.

Appeal disposed off with no order as to cause.

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