GOA STATE INFORMATION COMMISSION

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Appeal No. 11/2024/SCIC

Mrs. Pratiksha Vivek Parsekar,
H. No. 7, Kamarkhazan, Peddem,
Mapusa, Goa 403507. ….. Appellant

V/s

1. The Public Information Officer,
Superintendent, Academic Section,
Directorate of Education,
Porvorim – Goa.

2. The Public Information Officer,
Planning Section,
Directorate of Education,
Porvorim – Goa

3.The First Appellate Authority,
Dy. Directorate of Education,
(Planning Section),
Directorate of Education,
Porvorim – Goa. …… Respondents

Shri Aravind Kumar H. Nair - State Chief Information Commissioner

Relevant Facts Emerging from the Appeal

RTI application filed on	- **04-08-2023**
PIO replied on	- **13-09-2023**
First Appeal filed on	- **11-10-2023**
First Appellate order on	- **Nil**
Second appeal received on	- **09-01-2024**
First hearing held on	- **14-02-2024**
Decision of the Second Appeal on	- **17-02-2025**

Information Sought and Background of the Appeal:

1. Mrs. Pratiksha Vivek Parsekar filed an RTI application dated 04/08/2023 to the PIO (Superintendent, Academic Section), Directorate of Education seeking following information:

   (i) Certified copy of report submitted to the Directorate of Education by the ADEI, Bardez as Observer in the Selection process/interview held on 5th & 8th August 2022, while filling the post of Two Trained

Undergraduate Teachers on Regular basis to teach Hindi and Konkani in St. Joseph High School, Tivai Vaddo, Calangute, Bardez Goa.

(ii) Certified copy of report submitted to the Director of Education, Directorate of Education, Government of Goa by the A.D.E.I, Bardez as observer in the selection process/interview held on 5th & 8th August, 2022 while filling the post of Trained Primary Teacher on Regular basis to teach in St. Joseph's High School, Tivai Waddo, Calangute, Bardez Goa.

2. In response to the RTI application, the PIO Mrs. Maya Morajkar (Office Superintendent, Directorate of Education) vide letter dated 13/09/2023 replied as under :

"With reference to your letter dated 04/08/2023, I am to inform you that the information sought by you is ready for disposal.
Hence, you are requested to attend this office on any working day between 10.00 a.m. to 5.00 p.m. to collect the same with the payment of Rs. 08/- in the Account Section of this Directorate".

3. Subsequently, PIO vide letter dated 25/09/2023 informed the Appellant that *"With reference to your letter dated 04/08/2023, I am to inform you that the information sought by you is enclosed herewith as per Point No. 1 pertaining to the Academic Section of this Directorate".*

4. Aggrieved by the reply of the PIO, Appellant filed first appeal dated 11/10/2023 to the First Appellate Authority (FAA/Dy. Director of Education) stating that Respondent PIO furnished wrong information after delay of 09 days.

5. Failing to receive any response or action on the part of the FAA in the first appeal dated 11/10/2023, Appellant approached the Hon'ble Commission with second appeal dated 09/01/2024 in which Appellant submitted that Respondent No. 1 provided wrong information – copy of the minutes of Departmental Selection Committee dated 13/09/2023 instead of copy of the report prepared and submitted by the ADEI, Bardez as Observer in the said Selection Committee sought by the appellant- and information sought at Point No. 2 was not furnished till date by Respondent No. 2 of Planning Section, which looks after the

work of the primary aided schools. Appellant further submitted in the second appeal that the FAA did not bother to hear the parties in the first appeal dated 11/10/2023 and pass an appropriate order.

Facts emerging in course of hearing

6. Pursuant to the filing of second appeal, parties were notified fixing the matter for hearing on 14/02/2024 for which representative of the appellant appeared along with the letter of authority. Respondent No. 1, Smt. Maya Morajkar appeared in person, sought time to file reply to the appeal but Respondent No. 2 and 3 remained absent.

7. The matter was not heard during March-September 2024, as the post of SCIC and SIC remained vacant during that period.

8. Incumbent SCIC took up the matter for hearing on 11/10/2024 for which only Appellant present and filed a counter reply to the reply of Respondent No. 1.

9. Respondent No. 1 (Smt. Maya Morajkar) and Shri Cajetan Fernandes, (authorised person for FAA) were present for the hearing on 28/10/2024 but the Appellant remained absent.

10. None present for the next two hearings held on November 27, 2024 and January 03, 2025.

11. During the further hearings held on January 10 & 14, 2025, SCIC directed the Respondent PIO to furnish proper and point-wise reply as per the RTI application of the Appellant. Accordingly, on 21/01/2025, Respondent PIO filed a revised reply with a copy for Appellant, who after perusal of the reply submitted before the SCIC that he is not satisfied with the reply. Commission further directed the Respondent PIO to furnish proper reply before the next hearing.

12. During the final argument today, i.e. 17/02/2025, PIO furnished fresh reply to both Point No. 1 & 2 of RTI application reiterating that *"ADEI of concerned Taluka is only a representative of the Director of Education in the selection process for appointment of teaching and non teaching staff on regular basis. Under Rule 74(3), ADEI does not provide separate report about his observation".*

13. Adv. Francis Dias appeared on behalf of the appellant , however, countered this reply stating that *"in terms of Rule 74(3) of the Goa School Education, Rules 1986, in case of minority schools, the nominee of the Department or an Educationist appointed by the Director of Education in Sub Rule (3) shall function as an Observer and can participate in the discussion but he/she shall not have the right to vote or make selection of the candidates, however he/she shall send a separate report to the Director of Education about his/her observation".*

14. Citing this rule, Advocate for appellant submitted that observer should send separate observation report to the Director of Education as the information sought by the appellant is about a minority school, St. Joseph's High School, Tivai Vaddo, Calangute, Bardez Goa.

15. When Respondent PIO submitted that no separate observation report has been submitted by the ADEI in this particular case, Commission directed the Respondent PIO to furnish reply accordingly.

16. With regard to point No.2, in the RTI application, Advocate for Appellant submitted that Point No. 2 of the RTI application dated 04/08/2023 was transferred by the Respondent PIO to the Planning Section of the Directorate of Education and it was reiterated by the Respondent PIO in the reply dated 15/03/2024 to the second appeal but neither Respondent PIO nor PIO of the Planning Section furnished information till date i.e. 17/02/2025.

ORDER

Based on the above facts and circumstances, submissions and arguments by the parties to the present appeal, the

Commission today i.e. 17/02/2025 disposed the appeal with the directions to the Respondent PIO to furnish proper information to both the points (Point No. 1 & 2) in the RTI application dated 04/08/2023 within 07 days from receipt of this order.

Taking serious note on the extremely causal and irresponsible approach of the PIOs and the FAA towards the RTI application, the Commission hereby directs :-

(i)Respondent PIO No. 1 – Analyse the RTI application appropriately and furnish proper information/reply by proper application of mind instead of giving the reply in a vague as well as mechanical manner.

(ii)Respondent PIO No. 2 – File an explanation for not responding/providing information to the point No. 2 of the RTI application, which was transferred to the PIO/Planning Section by the PIO/Academic Section in 2023.

(iii)Respondent No. 3 (FAA) – File an explanation for adopting casual, irresponsible and negligent attitude towards the first appeal filed by the appellant. It is found that the first appeal of the appellant was neither heard nor decided by the First Appellate Authority. This act on the part of FAA clearly indicates FAA's disrespect to the RTI Act as well as First Appeals filed by the RTI applicants, who are aggrieved by the reply/information furnished by the PIO.

Explanation of the FAA and Respondent No. 2 should reach the Commission by April 11, 2025.

With the above directions, the Appeal No. 11/2024/SCIC stands disposed.

- Proceedings stands closed
- Pronounced in the open court.
- Notify the parties.

Sd/-

(ARAVINDKUMAR H. NAIR)
State Chief Information Commissioner, GSIC