

## **GOA STATE INFORMATION COMMISSION**

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

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### **Appeal No.165/2026/SCIC**

Smt. Maria June Coutinho e Fernandes,  
F-1, First Floor, Sukrita Building,  
Nr. Nag Temple, Murida,  
Fatorda Goa 403602.

-----Appellant

V/s

1. The Dy. Director of Education,  
First Appellate Authority,  
South Educational Zone,  
Margao Goa 403601.

2. The Public Information Officer/Headmistress,  
Shishukunj Primary School,  
Housing Board, Gogol, Vidyanagar,  
Margao Goa 403601

-----Respondents

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

### **Relevant Facts Emerging from the Appeal**

RTI application filed on	30/10/2025
PIO replied on	-
First Appeal filed on	22/12/2025
First Appellate order on	12/03/2026
<b>Second appeal received on</b>	<b>23/04/2026</b>
<b>First hearing</b>	<b>08/06/2026</b>
<b>Decided on</b>	<b>08/06/2026</b>

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

1. Smt.Maria June Coutinho e Fernandes filed an application dated 30/10/2025 under RTI Act, 2005 to the PIO, Shishukunj Primary School, Vidyanagar, Gogol, Margao seeking information at 03 points.
2. Failing to receive any reply/information to the RTI application, Appellant filed first appeal dated 22/12/2025 before the First Appellate Authority praying for direction to the Respondent PIO to furnish sought information.

3. First Appellate Authority (Dy. Director of Education, South Educational Zone, Margao) vide order dated 12/03/2026 disposed off the first appeal with judgement as under

*"The First Appellate Authority agreed thereto, that the information sought by the Appellant is not within the ambit of the RTI Act, 2005 and since the said School is an unaided school they are not generally not considered "public authorities" under the RTI Act, 2005 and the appellant was not able to prove the "Larger Public Interest" required in seeking the information sought which the appellant failed to substantiate, I am satisfied with the reply given by the respondent the PIO/Headmistress, Shishukunj Primary School, Housing Board, Gogol, Vidyanagar, Margao Goa.*

***Appellant categorically failed to show the public interest or rather the larger public interest involved in seeking the required information, and the RTI Act is being used as a tool for harassing the Respondent to settle personal scores and hence is to be considered a vexatious litigant/applicant. The First Appellate Authority relied on judgement passed by High Court of Bombay at Goa, in case of Girish Ramchandra Deshpande v. Central Information Commissioner [(2013) 1 SC 212], Canara Bank v. C.S. Shyam, [(2018) 11 SCC 426] "***

4. Being aggrieved by the order passed by the First Appellate Authority, Appellant preferred second appeal dated 23/04/2026 before the Commission stating that Respondent No. 02 (PIO) failed to provide information and Respondent NO. 01 (FAA) disposed off the first appeal on the ground that information sought was not in public interest.

#### **FACTS EMERGING IN COURSE OF HEARING**

5. Pursuant to the filing of the present appeal by the Appellant, matter took up for hearing on 08/06/2026 for which Appellant present along with her husband and Respondent No. 02 (PIO/Headmistress,

Shishukunj Primary School, Gogol, Margao) present along with her lawyers.

6. Respondent No. 02 filed written submission dated 08/06/2026 making preliminary objections to the present appeal on the ground of-

- i. *Failure to challenge the legal findings of the impugned order dated 12/03/2026 of First Appellate Authority.*
- ii. *Bar of jurisdiction as Shishukunj Primary School is not a "Public Authority" and only a private unaided school having mere recognition of the Government of Goa.*
- iii. *Fatal technical defects in the second appeal such as non-compliance with Rule 3 (vii), (viii) and Rule 4.*

Respondent No. 2 prayed for dismissal of the present appeal and uphold the order dated 12/03/2026 passed by the First Appellate Authority.

7. Appellant on the other hand orally submitted that on an earlier occasion, Respondent No. 02's school had furnished sought information and added that she is basically insisting for information sought at Point No. 03 of the RTI application dated 30/10/2025.

As the Appellant orally submitted that she is more concerned of the information sought at Point No. 3 of the RTI application dated 30/10/2025, she is at liberty to approach the Directorate of Education with her grievance rather than RTI application as the institution referred in the application is not a Public Authority.

### **DECISION**

- i. **Upon perusal of the present appeal, order passed by the First Appellate Authority and the written submission of the Respondent No. 02, Commission has come to the conclusion that the institution mentioned in the RTI application and appeal (Shishukunj Primary School, Gogol, Margao) cannot be considered as a "Public**

**Authority” defined u/s 2(h) of the RTI Act, 2005. Unless a private unaided institution is substantially funded by the government, it does not come under the purview of the RTI Act.**

- ii. Upholding the order dated 12/03/2026 passed by the First Appellate Authority, the present appeal is disposed off without any intervention by the Commission as the institution referred in the RTI application and appeals does not fall under the ambit of RTI Act, 2005.
- Matter disposed.
  - Proceeding stands closed.
  - Pronounced in open court.
  - 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