

GOA STATE INFORMATION COMMISSION

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

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Appeal No.217/2026/SCIC

Engr. Subhash Laxman Nerurkar,
NDPC, G-5, Ground Floor, St. Peter Bldg.,
Near Hotel Trishul, Mapusa, Goa 403507.

-----Appellant

V/s

1. Mrs. Freeda Andrade (ADEI/PIO),
North Zone Education Office,
Mapusa, Goa 403507.

2. Mrs. Anjali Malik (Dy. Director)/FAA,
North Zone Education Office,
Mapusa, Goa 403507.

3. Mrs. Ritika Naik (PIO),
Eden Primary School,
Mapusa, Goa 403507.

-----Respondents

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

Relevant Facts Emerging from the Appeal

RTI application filed on	19/02/2026
PIO replied on	25/03/2026
First Appeal filed on	04/04/2026
First Appellate order on	21/04/2026
Second appeal received on	20/05/2026
First Hearing	16/07/2026
Decided on	16/07/2026

Information sought and Background of the Appeal

1. Shri. Subhash Laxman Nerurkar filed an application dated 19/02/2026 to the Director of Education, Government of Goa seeking information at 15 points in respect of Eden Primary and Pre-Primary School, Mapusa, Goa.
2. On receipt of the RTI application dated 19/02/2026, PIO/Planning, Directorate of Education vide letter dated 26/02/2026

transferred the RTI application to the PIO/Asst. District Education Inspector(ADEI), Office of the (ADEI) stating *"information sought is closely related to your Public Authority and requested to provide the information directly to the Applicant within the scheduled time frame"*.

3. Subsequently, PIO/ADEI (Admn), Bardez vide letter dated 04/03/2026 forwarded the application dated 19/02/2026 of the Appellant to the Headmistress, Eden Primary School, Feira, Alto-Mapusa with the direction to submit the sought information within 07 days.

4. As per the material available on record, PIO, ADEI (Admn), Bardez vide letter dated 25/03/2026 replied as under:

"With reference to your application under RTI Act, 2005, I am forwarding herewith required information of Eden Primary School, Mapusa, Goa". However copy of the information provided is not found enclosed with this letter.

5. Appellant then filed first appeal dated 04/04/2026 before the First Appellate Authority with PIO, ADEI (Admn), Bardez, Goa as the only Respondent in the Appellant's first appeal.

6. First Appellate Authority (Dy. Director of Education, North Educational Zone, Mapusa, Goa) vide order dated 21/04/2026 directed the PIO that –

"Information sought at Point No. 05 of the RTI application being personal could be given only after their consent.

Point 8 to 11, the school should provide the information available.

Point 12 could be answered too.

Point 13 to be held up as the inspecting authorities can be allowed to check the same admission.

Hence the matter is placed for disposal/dismissed".

7. Subsequently, in response to the letter dated 24/04/2026 of the PIO/ADEI, Bardez Taluka, Headmistress, Eden Primary School, Alto

Mapusa vide letter dated 30/04/2026 communicated the ADEI, Bardez that since the first appeal filed by Shri. Subhash Laxman Nerurkar is dismissed, nothing remains to be answered. Moreover, neither Headmistress nor the Eden Primary School, Mapusa was made party to the first appeal and hence school is not bound by any order or directions given by the First Appellate Authority in the order dated 21/04/2026.

8. Appellant then preferred second appeal dated 20/05/2026 before the Commission praying for direction to the Respondent PIO to furnish desired information.

FACTS EMERGING IN COURSE OF HEARING

9. Pursuant to the filing of the present appeal, matter took up for hearing on 16/07/2026 for which Appellant and Respondent No. 01 (PIO/ADEI, Bardez) present. Respondent No. 03 (Headmistress, Eden Primary School, Alto-Mapusa) present along with Adv. Sachin Desai. Respondent No. 03 filed written submission dated 16/04/2026 stating that :

- i) *Respondent No. 03 is not a proper party to the present appeal as Respondent No. 03 was not a party to the first appeal filed by the Appellant.*
- ii) *Having not received any financial assistance or grant from the State Government or any other entity of the State Government, Respondent No. 03 and her institute is not under the ambit of section 2(h) of the RTI Act, 2005.*
- iii) *Respondent No. 03 may be dropped as Party Respondent to the present appeal.*

10. Presiding Commissioner heard oral arguments placed by the Appellant, Respondent No. 01 and Respondent No. 03.

COMMISSION'S OBSERVATION

- i. **Respondent No. 01 (ADEI, Bardez Taluka) was the lone Respondent in the first appeal dated 04/04/2026 filed by the Appellant before the First Appellate Authority (FAA).**
- ii. **Respondent No. 03 was not a Respondent in the first appeal and was not heard during the course of the proceedings held before First Appellate Authority.**
- iii. **Since the Respondent No. 03 was not a Respondent in the first appeal, order passed or direction issued by the First Appellate Authority has no binding on Respondent No. 03.**
- iv. **Respondent No. 3's educational institution is not a Public Authority and being a private institution, Eden Primary School, Alto-Mapusa does not falls under the ambit of RTI Act, 2005.**
- v. ***First Appellate Authority's order dated 21/04/2026 contains number of flaws. The order contains ambiguities, lacks clarity and not clarified whether first appeal is disposed or dismissed.***
- vi. ***First Appellate Authority being a senior level officer of the Public Authority should decide the matters judiciously and pass a speaking order instead of giving confusing order like in the first appeal of the present matter.***
- vii. **Unless a private unaided institution is substantially funded by the Government, it does not come under the purview of the RTI Act, 2005.**

Letter dated 25/02/2026 addressed to SPIO, Planning Section, Directorate of Education, Government of Goa by Mrs. Rita Gomes, UDC, Planning Section, Directorate of Education stated that *"Eden Primary School and Pre-Primary School, Mapusa, Goa is an un-aided school running without any financial grants from the Government of Goa".*

DECISION

1. Since the Eden Primary School, Feira, AltoMapusa, Bardez Taluka, Goa is an unaided private school and does not falls under the purview of RTI Act, 2005, Goa State Information Commission cannot intervene and direct the school to furnish the information sought by the Appellant vide RTI application dated 19/02/2026.

2. Moreover, the Respondent No. 03 (Headmistress, Eden Primary School, Alto-Mapusa) was not a Respondent to the first appeal dated 04/04/2026 filed by the Appellant before the First Appellate Authority.

Hence, the Eden Primary School, non-Respondent in the first appeal, cannot be made as a Respondent to the second appeal filed by the Appellant.

3. Even though, Eden Primary School is a private school and does not falls under the ambit of RTI Act, 2005, Appellant is at liberty to avail whatever information in respect of Eden Primary School available or in the custody of Respondent No. 01 (ADEI, Bardez Taluka, Goa).

- 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