

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Complaint No. 68/SCIC/2009

Mrs. Maria E. Fernandes,
H. No. 419, Behind St. Sebastian Church,
Aquem Alto, Margao,
Salcete – Goa

... Complainant.

V/s.

1) Public Information Officer,
Under Secretary (Higher Education),
Government of Goa,
Directorate of Higher Education,
Junta House, 2nd Lift, 5th Floor,
Panaji – Goa

... Opponent No. 1

2) First Appellate Authority,
Director (Higher Education),
Government of Goa,
Directorate of Higher Education,
Junta House, 2nd Lift, 5th Floor,
Panaji – Goa

... Opponent No. 2

Complainant in person.

Opponent No. 1 in person.

Dated: 04.06.2010

ORDER

By Order dated 30.07.2009 this Commission directed the Respondent No. 1 to give effect to the request for information of the Complainant dated 05.11.2009 at point No. 2 (only file notings), point No. 5 and 6, information at point No. 7 to be transferred to the Public Information Officer – Shree Damodar College of Commerce and Economics, Margao, point No. 8 (first part) and point No. 9 within the period of twenty days from the receipt of the Order. As the Opponent No. 1 did not comply with the directions of the Order

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dated 30.07.2009, the Complainant preferred this Complaint. The Opponent No. 1 on 29.01.2010 filed a reply with annexures to the Complaint.

2. Written arguments were filed by the Complainant and it is the contention of the Complainant that the Opponent No. 1 did not provide the information within the stipulated time mentioned in the Order and information at point No. 2 (notings file), 5, 6, 7, 8 and 9 has not been provided by the Respondent No. 1.

3. In compliance to the Order dated 30.07.2009 the Opponent No. 1 had to provide the information within the period of twenty days from the date of receipt of the Order. As per page 4/C of the annexures of the reply filed by the Opponent it indicates that the Order of the Commission was dispatched on 03.08.2009 and received by the Office of the Opponent No. 1 on 07.08.2009 and at page 38/C by the letter dated 21.08.2009 information was provided and received by the Complainant on 26.08.2009 as per the A/D card at page 39/C. Considering that the Order of the Commission was received in the office of the Opponents on 07.08.2009 and the letter providing the information was issued by the Opponent No. 1 on 21.08.2009 and which was received by the Complainant on 26.08.2009, it cannot be said that there was a delay in complying with the Order of the Commission.

4. The information sought under RTI Act ought to be from the records of the Public Authority and the information seeker cannot ask any explanation, reasons or opinion from the Public Information Officer as the same will not be information within the meaning of information under the RTI Act. In the letter dated 21.08.2009 at page 38/C the Opponent No. 1 furnished attested copies of documents in respect of point No. 2, 5, 6, 7, 8 and 9 as ordered by the Commission

in the Order dated 30.07.2009. The letters dated 27.08.2008 at page 40/C and the notings dated 21.08.2008 at page 21.08.2008 at page 41/C the Opponent has provided the information at point No. 2. The information at Sr. No. 5, 6 and 7 pertains to a Staff of Shree Damodar College of Commerce and Economics, Mrs. Jean Elvin Themudo and the documents at point 8 and 9 were provided by the Opponent No. 1 in his letter dated 21.08.2009 and all these documents form part of the annexures which are attached to the reply of the Opponent.

5. Since there is no delay in complying with the Order of the Commission and the information sought were provided by way of records to the Complainant, there are no reasons to proceed further and the Complaint is disposed off accordingly.

Pronounced on this 4th day of June, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner