

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 106/SIC/2010

The Principal,
Public Information Officer,
Agnel Institute of Food Crafts & Culinary Sciences,
Agnel Ashram,
Verna – Goa ... Appellant.

V/s.

- 1) Shri Menino Cardoso,
Flat No. V-C,
5th Floor, St. Andrew's Residency,
Opp. KTC Bus Stand, Mundvel,
Vasco – da – Gama ... Respondent No. 1.
- 2) The First Appellate Authority,
Directorate of Technical Educational,
Porvorim – Goa ... Respondent No. 2.

Ad. Girish K, Sardessai for the Appellant.

Adv. Cliff Fernandes for the Respondent No. 1.

Shri Pradip Kusnur, authorized representative of the
Respondent No. 2.

J U D G M E N T

(Per Afonso Araujo)

The Respondent No. 1 by letter dated 16.02.2010 sought information under RTI Act from the Appellant and requires copy of the attendance register of all batch A, B, C, D. By letter dated 17.02.2010 informed the Respondent No. 1 that the information sought could not be furnished since in terms of clause 2(h) of the RTI Act the Appellant is not a Public Authority. Aggrieved by this decision the Respondent No. 1 preferred the First Appeal and the First Appellate Authority - the Respondent No. 2 by Order dated 15.04.2010 without hearing the Appellant directed the Appellant to provide information within three weeks. This is the Impugned Order.

...2/-

2. Once the Appellant has rejected the information sought by the Respondent No. 1 on the reasoning that the educational institution of the Appellant is not a Public Authority within the meaning of Public Authority defined in section 2(h) of the RTI Act, the First Appellate Authority ought to have decided the Appeal on merits. Considering the question involved whether the Appellant's educational institution is a Public Authority or not, adjudication was required and in all fairness the First Appellate Authority should not have decided the Appeal without hearing the Appellant, more so, when the Appellant has justified his absence. In such circumstances the Impugned Order requires interference. Hence, the following Order:

ORDER

The Appeal is allowed.

The Order dated 15.04.2010 of the Respondent No. 2 is quashed and set aside.

The Respondent No. 2 to decide the Appeal No. 1/DTE/2010/971 under section 19(6) of RTI Act afresh by giving opportunities to the parties.

The Appellant and the Respondent No. 1 to appear before the First Appellate Authority – the Respondent No. 2, on 29.07.2010 at 03:00pm.

Pronounced on this 30th day of June, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner