

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

**CORAM:** Shri. M. S. Keny, State Chief Information Commissioner

Complaint No.555/SCIC/2010

Mr. Reuben Franco,  
Royal Hotel, Umta Waddo,  
Calangute,  
Bardez - Goa

.... Complainant.

V/s.

Public Information Officer,  
Don Bosco Higher Secondary School,  
Panaji -Goa

.... Opponent.

Shri Savio Britto, representative of Complainant.  
Adv. Shri S. Facho for Opponent.

**J U D G M E N T**  
**(16.08.2011)**

1. The Complainant, Shri Reuben Franco, has filed the present Complaint praying that the Public Information Officer be directed to furnish the information sought for vide his application dated 16.04.2010 from Sr. No. 3 to 14 immediately to the Complainant; that penalty be imposed on the Opponent as per section 20(1) of the RTI Act; that the disciplinary action be initiated under section 20(2) against the Opponent and that Complainant be compensated for causing inconvenience and harassment by the Opponent.

2. The brief facts leading to the present Complaint are as under: That the Complainant vide letter dated 07.04.2010 inwards on 16.04.2010 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public information Officer, Director of Education, Panaji-Goa. That the said letter was forwarded by the said Directorate of Education under section 6(3) to the Principal, Don Bosco Higher Secondary School/Opponent with a copy marked to the Complainant and directing the Opponent therein to furnish the information as requested by the Complainant. That the Complainant received letter dated 14.05.2010 from the Opponent to

come and collect the information on 21.05.2010 after payment. It is the case of the Complainant that the Opponent has provided totally false and misleading information in his letter dated 14.05.2010 where the Complainant was not informed that part information is available and other information sought for was not available. That the Complainant was shocked and surprised to note that when he approached the Opponent on 21.05.2010 he was handed over a covering letter dated 21.05.2010 issued by the Opponent enclosing only part information requested for vide his application dated 16.04.2010. That the information has been partly furnished from Sr. No. 1 to 3 whereas the Opponent has failed to furnish the information from Sr. No. 4 to 13 of the said letter. That the Opponent falsely mentioned that information from Sr. No. 4 to 13 was not available and this was not formerly disclosed in the Opponent's letter dated 14.05.2010 calling upon the Complainant to collect information. That the information furnished is incorrect. That under Sr. No. 3 the copy which was not asked has been furnished. Being aggrieved the Complainant has filed the present Complaint.

3. The Opponent resists the Complaint and the reply of the Opponent is on record. It is the case of the Opponent that the Complaint filed by the Complainant is bad in law and fact and deserves to be dismissed. That the Complainant vide his application dated 07.04.2010 listed out 13 points of which information was sought for, however only the point No. 1, 2 and 3 were as per section 6 (1) (b) of the RTI Act and rest of the points from 4 to 13 did not contain necessary particulars as to time, year, etc. As such the Opponent was not in a position to comply with the request at point No. 4 to 13. That the Opponent has furnished to the Complainant NOC issued by the Education Department to appoint teacher for Economics after resignation of Edna Molina Dias alongwith letter requesting NOC. That the Opponent acted bonafide and as such his act was not to attract the penal provisions of RTI Act.

4. Heard the arguments. Written arguments are filed by the Complainant as well as the Opponent. The same are on record. The representative of the Complainant submitted that the information sought at point No. 4 to 13 was very clear and the same refers after the resignation of Edna Molina Dias. In short according to the Complainant as well as written arguments of the Complainant, the information sought is after the resignation of Edna Molina Dias and in respect to further appointment of Economics teacher.

Adv. Shri S. Facho for Opponent submitted that information from Sr. No. 3 to 14 is not specific. He relied on section 6(1). According to him law provides that particulars are to be furnished by the applicant. He also refers to point No. 3 and the way it is worded is not available on record. According to him information has been furnished in respect to point No. 3.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not. It is seen that the Complainant filed an application seeking certain information from the Public Information Officer, Director of Education. It appears that the said letter was transferred to the Opponent under section 6(3) to furnish the information. It is seen that by letter dated 21.05.2010 part of the information was furnished. However, information from point no. 4/Sr. No. 4 to point No. 13 was not furnished as the same was not available. According to Advocate for the Opponent the information from Sr. No. 4 to 13 is not specific and clear and the same is vague and that is why the same could not be furnished. It is the contention of the Complainant that the information sought at point No. 4 to 13 was very clear and the same was sought after the resignation of Edna Molina Dias. In his written arguments also the Complainant categorically states that the information sought is after the resignation of said Edna Molina Dias and in respect of further appointment of Economics teacher.

6. I have carefully gone through the application dated 07.04.2010 which is on record. It appears that some clarity is required so that information is furnished properly and correctly. In my opinion the Complainant can very well clarify so that information is properly furnished without further loss of time.

7. In view of the above I am of the opinion that the Complainant to furnish the required clarification, if any, in respect of point No. 13. The Respondent on his part to furnish the information in respect of point No. 4 to 13 considering that information sought is after the resignation of said Edna Molina Dias as mentioned hereinabove. Hence, I pass the following Order:-

### **ORDER**

The Appeal is allowed. The Complainant to furnish the clarification, if any, in respect of point No. 13 within five days from the date of receipt of the Order and the Respondent is hereby directed to furnish the information considering that the information sought is after the resignation of said Edna Molina Dias, within 20 days from the date of receipt of the Order and report compliance.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 16<sup>th</sup> day of August, 2011.

Sd/-  
(M. S. Keny)  
State Chief Information Commissioner





