

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.180/SIC/2011

Shri Vinod Gaude,
R/o.H. No.157, Bokadbag,
Bandora, Ponda-Goa

... Complainant

V/s.

The Director (Administration)
State Public Information Officer,
Directorate of Education,
Porvorim – Goa

... Opponent

Complainant absent.

Opponent absent.

Dr. S. S. Ghadi, (P.I.O. for Administration) present.

ORDER
(16/02/2012)

1. The Complainant, Shri Vinod Gaude has filed the present complaint praying that P.I.O./ Opponent be directed to provide the information sought by him and that provisions of R.T.I. Act-2005 be invoked against the P.I.O. and action be taken for violating the R.T.I. Act.

2. The brief facts leading to the present complaint are as under:-

That the complainant, vide application dated 05/09/2011, sought certain information under Right to Information Act, 2005 ('R.T.I.' Act for short) from the Public Information Officer('P.I.O.)/opponent. That the P.I.O. vide his letter dated 3/10/2011 has provided the uncertified copy of information on 10/10/2011. It is the case of the complainant that since copy of information is uncertified, it amounts to refusal of information under R.T.I. and hence the present complaint.

3. In pursuance of the notice issued, Dr. S. S. Ghadi, P.I.O. for administration remained present. The complainant was absent. The opponent admits that copy was not certified.

4. Heard the opponent and perused the records.

It is seen that vide application dated 5/9/2011, the Complainant sought certain information i.e. names of students of Shri Damodar Higher Secondary School of Science, Margao, Goa provided with computers under Cyber Age/Edunet scheme during the academic years 2004-05 and 2005-06. It is seen that by letter dated 3/10/2011, the P.I.O. informed the complainant that the information is kept ready and to collect the same after paying Rs.8/-. It appears that information was furnished and that too in time considering the letter on record.

5. The main grievance of the complainant is that the copies that were furnished were uncertified. The P.I.O. who is present, admits that by inadvertence copies remained to be certified. In any case since information is furnished P.I.O. should certify the same.

6. P.I.O. contends that complaint is not maintainable. Normally the complainant should have preferred the appeal before the First Appellate Authority. However he has chosen to file the complaint. In the factual backdrop of this case, complaint is not maintainable. However, since information is already furnished there is no point in harping on this aspect. However, complainant should take note in future, he should not skip Section 19 i.e. the appellate forum. Under R.T.I. he should approach First Appellate Forum first before approaching the Commission.

7. In view of all the above, I pass the following order

ORDER

The complaint is allowed. The opponent is hereby directed to furnish the information sought by the complainant vide his

application dated 5/9/2011 and that too duly certified under R.T.I. Act within 15 days from the date of receipt of this order.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 16th day of February, 2012.

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