

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Complaint No.565/SCIC/2010

Shri Sadanand D. Vaingankar
R/o.Madhalawada, Harmal,
Pernem, Goa 403524

... Complainant

V/s

1. State Public Information Officer,
O/o.Head Master,
Harmal Panchakroshi High School ,
Harmal, Pedne, Goa

2. Mr. Uday D. Govekar,
Head Master,
Harmal Panchakroshi High School ,
Harmal, Pedne, Goa

... Opponents

Complainant absent.
Opponent present.

ORDER
(29/03/2012)

1. The Complainant, Shri Sadanand D. Vaigankar, has filed the present complaint praying that the complaint be allowed; that opponent No.1 be directed to furnish information; that opponent No.1 be directed to pay fine as applicable; that opponent No.1 be recommended for appropriate disciplinary action under service rules; that the opponent No.2 may be prevented from any or every sort of interference at office of opponent No.1; that the opponent No.2 may be recommended for appropriate disciplinary action under service rules applicable to him for illegally interfering at office of opponent No.1 and that costs be awarded.

2. The case of the complainant is fully set out in the complaint. In short it is the case of the complainant that on 23/6/2010, he sought certain information under Right to Information Act, 2005 ('R.T.I. Act for short) from the Public Information Officer (P.I.O.) opponent No.1. That the opponent No.2 furnished information comprising of 6 pages by letter dated 23/7/2010. That till date the opponent No.1 did not furnish the information. That order dated 2/9/2010 in first Appeal No.34/2010

before Director Education, First Appellate Authority considered the submission that 'the Principal of Higher Secondary School (Opponent No.2) cannot be considered as P.I.O. of Harmal Panchakroshi High School' and directed the school authorities to provide correct information to the appellant through senior teacher/A.P.I.O. of the school free of cost within 8 days from 2/9/2010. That opponent No.2 without having any authority to handle R.T.I. correspondence of office of opponent No.1 handles the same. Hence the present complaint.

3. The opponent No.1 and 2 have filed a common reply which is on record. In short it is their case that respondent No.1 and 2 is one and the same. That the respondent No.2 is full fledged Principal of Harmal Panchakroshi Higher Secondary School hence stands as P.I.O. responsible to discharge the duty cast upon under the R.T.I. Act 2005. That opponent No.2 is presently given the charge of Head-Master of Harmal Panchakroshi High School in function under same roof and under same Shishan Mandal. Moreover the charge is without any financial burden on the Govt. of Goa. That information sought is duly furnished. That opponent No.2 is the P.I.O. and as such entitled to carry out the obligations under R.T.I. Act. That till date opponent No.2 is the P.I.O. That regarding order of F.A.A. the authorities have already responded.

4. Heard the Opponent No.1. The Complainant remained absent. In any case I shall proceed on the basis of record.

According to opponent he was acting Headmaster and in that capacity information was furnished.

5. I have carefully gone through the records of the case and also considered the arguments of the opponent.

It is seen that the complainant vide application dated 23/6/2010 sought certain information from the P.I.O. O/o.Headmaster, Harmal Panchkroshi High School, Harmal, Pedne, Goa. By reply dated 23/7/2010 Shri Uday D. Govekar, Head Master, Harmal Panchakroshi High School, Harmal, Goa, furnished the information.

The only grievance of the complainant is that information is not furnished by opponent No.1 but by opponent No.2 hence the present complaint.

6. It is seen that Head Master is the P.I.O. According to the opponents, Opponent No.1 and 2 are one and the same. Opponent No.2 is the full fledged Principal of Harmal Panchakroshi Higher Secondary School hence stands as P.I.O. That at the relevant time he was given the charge of Headmaster of Harmal Panchakroshi High School. It appears that in that capacity he has furnished the information. This being the position I do not think that there is any irregularity. Besides information is furnished within 30 days.

I have perused some of the rulings of Central Information Commission on the point.

In a case (Dayanand V/s. Department of Personnel Training (Appeal No.42/IC(A)2006/CIC/MA/A/2006/0218 dated 18/5/2006) where the appellant made a complaint that the information was supplied under the signature of Under Secretary and, therefore, it was not acceptable, the Central Information Commission held that under Sec.5(4) of the R.T.I. Act C.P.I.O. may seek the assistance of any other officer for proper discharge of duties and therefore, the information given by Under Secretary was in order.

The case before me is on a better footing as the information is furnished by acting Head-Master. Even otherwise there is no denial of information to the complainant. The grievance that opponent No.2 furnished information cannot be accepted. On complainant's own showing the information is furnished and that too in time.

7. I have perused the order of F.A.A. on record. In the said order there is mention about acting Head-Master. If it is so he can furnish the information. It appears that that case is different as it refers to letter dated 25-3-2010 etc.

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

ORDER

The complaint is dismissed.

The complaint is accordingly disposed off.

Pronounced in the Commission on this 29th day of March, 2012.

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