

**GOA STATE INFORMATION COMMISSION  
AT PANAJI**

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

**Complaint No. 153/SIC/2011**

Dr. G. C. Pradhan,  
F-1, Ashoka-II, Vasudha Colony,  
Alto-St. Cruz,  
P.O. Bambolim Complex,  
Goa – 403 202 ..... Complainant

V/s.

Public Information Officer,  
Nirmala Institute of Education (N.I.E),  
Altinho,  
Panaji – Goa ..... Opponent.

**Complainant in person.  
Opponent alongwith Adv. V. Parsekar.**

**ORDER**  
**(10.04.2012)**

1. The Complainant, Dr. G. C. Pradhan, has filed the present Complaint praying that the Public Information Officer, N.I.E. be directed to provide the certified copies of the applications, curriculum vitae, certificates, mark-sheets and testimonials submitted by the other 3 candidates as requested at point No. 3 and point No. 2 of his application dated 27.12.2010 and 09.05.2011 respectively and that penalty be imposed on the Public Information Officer, N.I.E. for intentionally providing contradictory and misleading information/knowingly making misleading information/passing judgment on the matter.

2. The case of the Complainant as set out in the Complaint is as under:-

That the Complainant vide application dated 27.12.2010 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 PIO/Opponent at point No. 3 of his order/letter dated 04.03.2011 stated that no other candidates had applied for the said post. That later on the Complainant learnt that altogether four candidates had applied for the post of

Principal in 2000. That the Complainant requested *inter alia* the PIO at point No. 2 of his application dated 09.05.2011 to provide him certified copies of the applications, curriculum vitae, certificates, mark-sheets and testimonials submitted by other three candidates. That the PIO at point No. 2 of his letter dated 18.07.2011 informed him that the other three applicants who had applied for the post were not eligible for the post and as such the applications of the said candidates had become irrelevant for the said post and they have been discarded.

It is the case of the Complainant that the above referred contradictory information/statements of the PIO indicate that he has made all possible efforts not to provide the information. That it is the responsibility of the PIO to provide information and not to sit for judgment. That initially the PIO had informed that none had applied for the post but subsequently he agreed that other candidates had also applied but stated that they were not eligible and therefore their applications were discarded. According to the Complainant it means the intention of the PIO was to mislead him and has engaged in cover-up operation instead of providing the information and hence the present Complaint.

3. The Opponent/PIO resists the Complaint and the reply is on record. In short it is the case of the Opponent that the Complainant is a chronic litigant and has filed various appeals before the authority on flimsy grounds. That all such appeals have been dismissed by this authority. That the present appeal also appears to be in the same sequel. The sole motive of the Opponent seems to be to harass with oblique motives. That the appeal is barred by law. That he same is devoid of any substance and the same be dismissed. That the Complainant has sought information pertaining to the appointment to the post of Principal in Nirmala Institute of Education.

The Opponent has in para 3, 4, 5, to 9 has stated about Society Institution, etc. I need not refer the same in detail herein. It is the case of the Opponent that the purported information sought by the Complainant dated 27.12.2010 cannot at all be termed as 'information' under the RTI Act. That the orders made by the PIO and Appellate Authority are correct, legal proper and need no interference. That Complainant sought information and the same was furnished to him. That the Complainant sought information as to certified copy of the bio-data of the other candidates who had applied for

the post and vide his reply dated 04.03.2011 it was stated that none applied and that no other valid candidate applied. That besides Dr. Rita Paes, the three other candidates who had applied were not eligible and hence their applications were discarded. This fact was further clarified in the reply dated 18.07.2011 which was given in reply to letter dated 09.05.2011 by the appellant. In fact the Respondent has provided certified copy of the Selection Committee Report which clearly indicates that four candidates applied for the post in response to the advertisement of 10<sup>th</sup> March 2000. Of these 2 candidates were found to be ineligible since they did not possess required qualifications and one candidate applied after the given date. Hence, the Committee recommended that Dr. Rita Paes be appointed the new Principal. That as regards the 4<sup>th</sup> information sought in the form of certified copy of the call letter issued to other candidates, it was submitted that same is not applicable as the other candidates who had applied were not found to be eligible and question of their interview letters does not arise. It is further the case of the Opponent that the contentions raised by the Complainant are totally baseless and false and the same are being denied being false. That the Opponent denies that there was any contradictory information/statement of PIO or that he has made efforts not to provide information to the Complainant. In short according to the Opponent the Opponent has provided with all the information available with the Opponent.

Reply in rejoinder of the Complainant is also on record.

4. Heard the arguments. The Complainant argued in person and the learned Adv. Shri V. Parsekar argued on behalf of the Opponent.

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. In the instant case the information is already furnished. The only grievance of the Complainant is that the information furnished is incorrect, contradictory and misleading.

6. The Complainant contends referring to the two replies that the information is contradictory and misleading. Whereas according to the

Advocate for the Opponent the available information has been furnished and that there was no attempt to mislead anybody.

It is to be noted that purpose of the R.T.I. Act is per se to furnish information. Of course, complainant has a right to establish that information furnished to him is false, incorrect, misleading etc., but the Complainant has to prove it to counter opponent's claim. The information seeker must feel that he got the true and correct information otherwise purpose of R.T.I. Act would be defeated. It is pertinent to note that mandate of R.T.I. Act is to provide the information-information correct to the core and it is for the complainant to establish that what he has received is false incorrect etc. With this view in mind, I am of the opinion that the Complainant must be given an opportunity to substantiate that the information given to him is incorrect, false etc as provided in Sec 18 (1) (e) of the R.T.I. Act.

7. In view of all the above, the Complainant should be given an opportunity to prove that information furnished is false, misleading, etc. Hence, I pass the following Order:-

### **ORDER**

The Complaint is allowed. The Complainant to prove that the information furnished is false, contradictory, misleading, etc.

Further inquiry posted on 13.06.2012 at 10:30a.m.

The Complaint is accordingly disposed off.

Pronounced in the Commission on this 10<sup>th</sup> day of April, 2012.

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

