

**GOA STATE INFORMATION COMMISSION
AT PANAJI**

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

Appeal No.282/SIC/2011

Smt. Judith Caldeira,
C/o.Edmund Pinto,
R/o. Salchem Bhat,
Opposite Revora Village Panchayat,
Revora, Bardez- Goa

... Appellant.

V/s.

1. The Director of Education
The First Appellate Authority,
Directorate of Education,
Govt. of Goa,
Porvorim – Goa
2. The Deputy Director of Education (Planning)
The Public Information Officer,
Directorate of Education,
Porvorim - Goa

... Respondents

Appellant present.

Respondent No.1 and 2 absent.

Shri D. Chaudikar for respondent No.1 present.

J U D G M E N T
(06/06/2012)

1. The Appellant, Smt. Judith Caldeira, has filed the present appeal praying that the concerned P.I.O. be directed to provide all the complete information sought in his initial Right to Information application dated 10/10/2011 within 7 days; that the information should be provided free of cost and that the penalty be imposed on the concerned P.I.O.

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

That the appellant, vide an application dated 10/10/2011, sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer(P.I.O.)/respondent No.2. That the appellant did not get desired information from the respondent No.2 within the stipulated time limit and hence appellant filed first appeal before the First Appellate Authority (F.A.A.)/respondent No.1. By order dated 14/12/2011, the F.A.A. directed A.P.I.O. to provide information to point No.2 to the appellant within 3 days free of cost. Being aggrieved the appellant has preferred the present appeal on various grounds as set out in the memo of appeal.

3. The respondent No.2/P.I.O. resists the appeal and the written submission filed by respondent No.2 is on record. In short it is the case of respondent No.2 that the information requested by the appellant is already provided to her on 27/9/2011. That the appellant further desired specific information which could not be provided as the same was personal information of selected candidate which relates to xerox copies of education certificate, professional certificates. That the information requested by the appellant is in respect of third parties in case the said information is to be given, which is treated as confidential. That under the law, a notice to third party is required to be given and third party required to be heard before taking of decision about the disclosure of information. That the appellant has not disclosed any public interest as is laid down in sec.11 proviso. That the public interest in disclosure out weighs in importance any possible harm or injury to the interest of third party. That the appellant is not entitled for specific information of 18 computer teachers. According to the respondent No.2 appeal is liable to be dismissed.

4. Heard the appellant and Shri D. Chaudikar, representative of respondent No.2.

The appellant referred to the facts of the case in detail. According to her information has not been furnished. She next

submitted that the order of F.A.A. is not complied with. In short according to the appellant no information has been furnished so far.

During the course of his arguments, Shri Chaudikar submitted that information has been furnished on 27/9/2011.

5. I have carefully gone through the records of the case and also considered 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 appellant vide application dated 10/10/2011 sought certain information. The information related to the advertisements for 460 post of computer teachers. The information consisted of three items i.e. at Sr. No.1 to 3. It is seen that the application was received on the same day. It appears that no reply was furnished and hence the appellant preferred an appeal before First Appellate Authority. The F.A.A. by order dated 14/12/2011 observed as under :

“A.P.I.O. stated that she is ready to provide information for point No.2 and point No.3 which is already covered in point No.2. However A.P.I.O. stated that she can not provide personal information of selected candidate which relates to xerox copies of education certificates and annexures as it is third party information.

The undersigned analysed the replies and pass the following order.:

The appeal is allowed with directions to A.P.I.O. to provide the information to point No.2 to the appellant within three days with free of cost.”

6. The grievance of the appellant is that no information has been furnished so far.

By order of F.A.A. it was observed to furnish information in respect of point No.2

Now it is to be seen whether point No.1 and 3 can be given. Regarding point No.1 what is asked is methodology adopted while giving marks. To my mind the same can be given.

Regarding point No.3 Shri Chaudikar submits that third parties objected. It is seen that third parties are not before the Commission as they have not been made parties. Appellant states that she would be satisfied if inspection in respect of point No.3 can be given. The same can be given. However the same to be given on mutually agreed date.

7. Now it is to be seen whether there is delay in furnishing the information. According to the appellant so far no information is furnished till to-day. Shri Chaudikar submitted that information was furnished, however, he could not substantiate that the same was furnished and that too in time. Though during the course of arguments and also in reply it is stated that information was furnished on 27/9/2011, apparently it is not correct as application is dated 10/10/2011. In any case to my mind the P.I.O./Respondent No.2 should be given an opportunity to explain about the same in the factual matrix of this case.

8. In view of all the above, I am of the opinion that information in respect of point at Sr. 1 and 2 and inspection in respect of point No.3 can be given. The P.I.O./respondent No.2 shall be heard on the aspect of delay. Hence I pass the following order.:-

ORDER

The appeal is allowed. The respondent No.2/P.I.O. is hereby directed to furnish the information in respect of point at sr. No.1 and 2 as sought by the appellant vide his application dated 10/10/2011 within 20 days from the receipt of this order.

Respondent No.2/P.I.O. to give inspection in respect of point No.3 to the appellant on a mutually agreed date but within fifteen days from the receipt of this order.

Issue notice U/s.20(1) of R.T.I. Act to the respondent No.2/P.I.O. to show cause why penal action should not be taken against him for causing delay in furnishing information. The explanation if any should reach the Commission on or before **11/7/2012**. The respondent No.2/P.I.O. shall appear for hearing.

Further inquiry posted on **11/7/2012** at **10.30 a.m..**

The appeal is accordingly disposed off.

Pronounced in the Commission on this 6th day of June, 2012.

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