

GOA INFORMATION COMMISSION

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 63/SCIC/2008

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

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Appellant.

V/s.

1. Public Information Officer,
State Council of Educational Research & Training,
Alto Porvorim – Goa.
2. First Appellate Authority,
The Director,
Directorate of Education,
Panaji – Goa.

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Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 29/09/2008.

Appellant in person.

Respondent No. 1 in person. Respondent No. 2 is represented by an authorized officer Shri. Avinash Nasnodkar, A.E.O. (Legal).

ORDER

The Appellant has approached the Public Information Officer with a request for information under the Right to Information Act, 2005 (RTI Act for short) on 3 points. Having found that the information given to him, is not satisfactory, the Appellant filed his first appeal. Still, not satisfied with the order of the first Appellate Authority dismissing the appeal, the present second appeal is filed.

2. Notices were issued. The Appellant argued for himself. The authorized officer on behalf of the Respondent No. 2 submitted a proceedings sheet before the first Appellate Authority. The Public Information Officer submitted a reply and argued the matter himself.

3. The first request is about the functions of the State Council of Educational Research & Training (SCERT). The role and the functions of SCERT were given by the Public Information Officer. The Appellant says that this is not correct. He did not say why he thinks so. The appeal on this point is rejected.

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4. The second request is about giving the names, qualifications and designations of all officials/experts who prepared the staffing pattern of SCERT. The Public Information Officer submitted that the staffing pattern was prepared by the officials of SCERT. The names were not given by him and qualifications were not available as the personal files are not maintained by SCERT. The 3rd question is also on similar lines calling for the names of the employees who have prepared the recruitment rules for the staff of the SCERT. Here also the Public Information Officer has not given the names of the officials who have prepared the RRs. As to the copies of the documents relied upon by the SCERT for preparing the RRs, the same were not given because the RRs are not even approved.

5. It is the contention of the Appellant that if the information is not available with the Public Information Officer, he should have forwarded his request to the authority where the information is available. While it is so, we have to first examine whether the request of the Appellant is covered under the definition of the information under the RTI Act. The information as defined at section 2(f) of the RTI Act means any material in any form including records, documents, memos, emails, opinions etc. held by the public authorities. Obviously, the Department does not keep records of the names and qualifications of the staff who prepare each and every file for a decision. There is an established procedure in every public office which follows the manual of office procedure. The Appellant can access the relevant provisions of manual of office procedure which prescribes the various processes before a decision is taken by public authority. In the alternative, he can inspect the file and take notes of the various decisions taken by the public authority or apply for the copies of the notings of the SCERT with respect to the submission of the proposal for RRs as well as suggesting the staff pattern. The information as requested by the Appellant in the present form is not "information" and therefore, the Appellant is not entitled for any relief as claimed in the second appeal.

6. The second appeal, therefore, is dismissed.

Pronounced in the open court on this 29th day of September, 2008.

Sd/-
(A. Venkataratnam)
State Chief Information Commissioner