

GOA INFORMATION COMMISSION

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

Appeal No. 64/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 sought information on 3 points regarding the promotion of Mr. Amonkar as Dy. Director of SIE. The questions are framed in a very clever manner putting forth his own presumptions and assumptions about certain alleged illegalities committed by the public authority, namely, State Council of Educational, Research & Training (SCERT) and wanting confirmation from the Public Information Officer of his presumptions. For instance, the first question is "Were the RRs not violated in the case of Mr. Amonkar?". This is nothing but the presumption of the Appellant who wants the confirmation from the Public Information Officer to state that the RRs are violated while promoting Mr. Amonkar. This is not "information" as per the definition under section 2(f) under the Right to Information Act, 2005 (for short the RTI Act). All the sub-questions of question No. 1 are of the same type except the information sought regarding the educational qualifications alongwith percentage of the marks at the time of appointment of Mr. Amonkar as Dy. Director of SIE.

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2. The second question is also regarding the alleged violation of the RRs by the SCERT asking for the confirmation. It appears that the information regarding the RRs and the promotion of Mr. Amonkar were already obtained by the Appellant in earlier request for information. The present request for information dated 19/02/2008 is a sequence of the answers already provided to him earlier. The second question also wants the opinion of the Public Information Officer regarding the filling up of the Gazetted posts without RRs and giving him a copy of the relevant documents, official appointment to the Gazetted posts without RRs etc. Here again except for question No. 2(c) which is information regarding the educational qualification possessed by Mr. Richard Cabral alongwith the percentage of marks, the rest of the sub-questions (a) and (b) of question No. (2) are not "information". As to the 3rd question, the answer was already given by the Public Information Officer.

3. As discussed above, the appeal is misconceived in law and facts except for question No. 1(d) and 2(c) of the request dated 19/02/2008 from the Appellant. The Public Information Officer is directed to give this information within 10 days from now.

4. The appeal, therefore, is partly allowed.

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

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