

GOA INFORMATION COMMISSION

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

Appeal No. 162/SCIC/2008

Shri. Vishwas V. Govekar,
Rai, Siolim, Bardez – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Head Mistress,
Keerti Vidyalaya, Siolim,
Bardez – Goa.

2. First Appellate Authority,
The Director,
Directorate of Education,
Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 06/02/2009.

Appellant in person.

Respondent No. 1 in person.

Respondent No. 2 absent.

ORDER

This second appeal arises out of the impugned order dated 7/8/2008 of the First Appellate Authority, Respondent No. 2 herein directing the Respondent No. 1 herein, the Public Information Officer to give the information within the 15 days. Following the appellate order, another reply was given by the Public Information Officer on 18/08/2008 giving some additional information in addition to the earlier reply. The grievance now is with respect to the questions No. 8 and 9 posed by the Appellant. The questions No. 8 and 9 are as follows: -

"8) Whether Govt. Servant can be appointed manager without permission of the government.

9) Will the department take over the management of the school for failure to comply with the provision of the education act. And rules made their under."

...2/-

The replies are as follows: -

“This is an advise and does not fall within the definitions of information and hence rejected.”

2. The question whether the Government Servant can be appointed as Manager without the permission of the Government or not is a question of Law/rules. However, the manager of the society about whom all the previous questions were asked in the request dated 9/5/2008 either is a government servant or is not a government servant. This is a question of fact. The information about this is either available or is not available with the society. In either case, a specific reply should be given by the Public Information Officer whether this information is available in the records of the society and if so furnish the same. If it is not available, a specific reply should be given to the Appellant in as many words. To the question of furnishing approved scheme by the Directorate of Education, a copy of this scheme is already given to the Appellant. However, a copy of the constitution of society at the time of its registration should also be given to him on payment of the fees. Regarding the competence of the Education Department to take over the management of the school, it is not for the Public Information Officer to give either any information or to comment on capacity or powers and functions of Government Department. Hence, this request is rejected. All other questions are answered satisfactorily.

3. In view of the above discussion, the Public Information Officer should give the further information as directed within the next 10 days. The appeal is partly allowed.

Pronounced in the open court on this 6th day of February, 2009.

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

