

GOA INFORMATION COMMISSION

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

Appeal No. 198/SCIC/2008

Shri. Kashinath Shetye,
Bambino Building, Alto Fondvem,
Ribandar, Tiswadi – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Vice Principal,
V. M. Salgaocar College of Law,
Miramar, Panaji - Goa.
2. First Appellate Authority,
Principal,
V. M. Salgaocar College of Law,
Miramar, Panaji - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner

(Per A. Venkataratnam)

Dated: 13/02/2009.

Appellant in person.

Adv. A. D. Bhohe for both the Respondents.

ORDER

This appeal has arisen from our earlier order dated 16/07/2008 in the complaint No. 08/2008 and further order dated 13/08/2008 directing the Respondent No. 1 to furnish remaining part of the information requested by the Appellant for questions No. 2 and 3 mentioned in his request dated 8/4/2008. As the Respondent No. 1 did not give the reply even after the Commission's order, a penalty of Rs.2000/- was imposed on him on 11/09/2008.

2. Even after all this, it is the contention of the Appellant that the information is still not given in the form he has requested. The details of the information and replies are discussed in our earlier orders passed by the full bench. The Department of Education has been allotted to the State Chief Information Commissioner since then. The Appellant has now gone to the Respondent No. 2 by his first appeal on 25/09/2008 which came to be disposed off by the Respondent No. 2 by his order dated 27/10/2008 hereafter referred to as the impugned order, dismissing the first appeal. Hence, this second appeal dated 3/11/2008.

...2/-

3. Notices were issued and the Appellant argued for himself whereas Adv. A. D. Bhoje represented both the Respondents. Both have also filed their replies to the second appeal on 30/12/2008. The arguments were also heard from both the parties.

4. The learned Adv. Bhoje for the Respondents stated that no grounds were mentioned in the second appeal finding fault with the impugned order of the First Appellate Authority. The "Breakup of marks" of the practical papers of the LLB students in both 3 years and 5 years streams in the last 2 years as per the prospectus were not given, as they are not available with the Law College and were sent to the Goa University. Only aggregate marks in each practical paper of each student is available with the College which was already given to the Appellant. The intention of the Appellant of the break up of the practical marks were known for the first time to the Respondent No. 1 only at the time of the hearing before First Appellate Authority. The Appellant did not mention in clear terms his request in the original application dated 8/4/2008.

5. The Appellant, on other hand, says that his request dated 8/4/2008 itself is very clear because both questions relate only to the practical papers I to IV for the past 2 years. The practical papers are assessed under different sub-heads. For instance, the practical paper No. I is assessed under 4 different sub-heads namely compulsory Moot Court, Observance of trials, Interviewing techniques and finally Viva Voce examination. The maximum marks are prescribed under all the 4 categories separately. So is the case with the practical papers II, III and IV. There is no room for any lack of clarity. The Public Information Officer has deliberately avoided giving this information inspite of the orders of this Commission.

6. A combined reading of all the Commission's earlier orders as well as this order makes it very clear to me that there is some kind of hesitation in the mind of the Public Information Officer to give the information. Added to this, he did not appear before this Commission in the earlier case inspite of the notice and submitted his reply to the earlier Complaint by post which was also commented in order of the Commission dated 11/09/2008. He has also calculated his own additional fees for supply of the documents at the rate of Rs.1/- per page and this was also

adversely commented by this Commission earlier. The reply by the Respondent No. 1 for this second appeal saying that the request was not understood by him as the break up of the practical paper as per the prospectus was not clearly mentioned by the Appellant in the initial request is, therefore, only justification to explain his delay in giving correct information. This cannot be accepted as both questions 2 and 3 relate only to practical papers and the break up mentioned in the questions are the break up of marks allotted in each practical paper. There is no other interpretation possible. I will not go further in this matter except to say that the Public Information Officer has to be more careful in future in disposing the request under the Right to Information Act, 2005. As to the main grievance of the Appellant, break up of the marks in practical papers not were given, I accept the factual position as mentioned in the impugned order of the First Appellate Authority as well as during the arguments by the learned Adv. A. D. Bhoje that they are not simply available with the college now and hence could not be given. If only this was stated to the Appellant in the first instance by the Public Information Officer, all subsequent litigation would not have arisen.

7. For the reasons mentioned above, the second appeal is dismissed.

Pronounced in the open court on this 13th day of February, 2009.

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

