

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 266/SCIC/2008

Mrs. Maria Esperanca Fernandes
Alias Maria E. Fernandes
H. No. 419, Behind St. Sebastian Church
Aquem Alto
Margao – Goa

..... Appellant.

V/s.

1. Public Information Officer,
The Vice Principal of Vidya Vikas Mandals
Shree Damodar College of Commerce & Economics
G. R. Kare Road, Tansor, Comba
Margao,
Salcete – Goa

... Respondent No. 1

2. First Appellate Authority,
The Principal,
Shree Damodar College of Commerce & Economics
G. R. Kare Road, Tansor, Comba
Margao,
Salcete – Goa

... Respondent No. 2

Appellant in person.

Adv. P.P. Singh for the Respondents.

J U D G M E N T

(Per Afonso Araujo)

Two requests for information, separately sought under Right to Information Act 2005 (for short, "The Act") and the respective orders of the First Appellate Authority confirming the unsatisfied information provided by the Public Information Officer, is the subject matter of this Second Appeal.

2. On 7.10.2008 the Appellant approached the Public Information Officer of the Educational Institution Shree Damodar College of Commerce & Economics – Respondent No. 1 and requested certified copy of the information regarding the continuation of services of Mrs. Jean Braganza. The Respondent No. 1 provided the information in the reply dated 05.11.2008 stating that there is no certified information with regard to the continuation of services of Mrs. Jean Braganza. Not content with the reply of the Respondent No. 1 the Appellant moved the First Appellate Authority, the Principal of Shree Damodar College of Commerce & Economics – Respondent No. 2 on 07.11.2008 and by order dated 06.12.2008 the Respondent No. 2 agreed with the information provided and dismissed the appeal.

3. The Appellant moved another request with the Respondent No. 1 on 08.10.2008 and sought information which consist of certified copy as regards the procedure/Departmental Promotional Guidelines adopted in order to promote Mr Seby D'Silva to the post of U.D.C. The Respondent No. 1 provided the information on this request dated 08.10.2008 and in the letter dated 05.11.2008 stating that Mr. Seby D'Silva has been appointed according to the Departmental Promotional Guidelines and the minutes of the DPC held on 20.11.2008 were provided to the Appellant. Not satisfied with this information provided by the Respondent No. 1, the Appellant preferred the First Appeal and the Respondent No. 2 by order dated 06.12.2008 concurred with the information provided by the Respondent No. 1 and dismissed the appeal. Due to non-satisfactory information provided by the Respondent No. 1 to the request for information dated 07.10.2008 and 08.10.2008 and due to the dismissal of the respective First Appeal by the Respondent No. 2, the Appellant preferred this Appeal.

4. The Appellant submitted written arguments. Shri P.P. Singh Ld. Adv. appearing for the Respondents submitted that the Respondent No. 1 provided the information required and rightly the First Appellate Authority – Respondent No. 2 dismissed the appeal and there is no question of providing any further information and this appeal be dismissed.

5. I have gone through the records of the case and taken into consideration the written submissions and oral submissions of the Appellant and the Respondents respectively. The only question for consideration is whether the information provided by the Respondent No. 1 meets the requirements of the information sought by the Appellant.

6. The Appellant who is an employee of the Educational Institution approached the Respondent No. 1 by letter dated 07.10.2008 with the following request :

“Kindly give me a certified copy of the information as regards to the continuation of services of Mrs. Jean Braganza by the College inspite of having received the letter from the Directorate of Higher Educational bearing reference No. 9/25/97-HE/Vol.II/1913 dated 10/10/2007 not to continue her services and also having recovered the salary paid to her by the Directorate of Higher Education from the year October, 2007 to July, 2008 and that the name of Mrs. Jean Braganza is still maintained in the master roll of the college by the college”

The Respondent No. 1 provided the information by letter dated 05.11.2008 stating that

“there is no certified information with regard to the continuation of services of Mrs. Jean Braganza.”

7. On analyzing the contents of the letter dated 07.10.2008 the Appellant wants to know in what manner Mrs. Jean Braganza continues in service and her name is still

maintained in the master roll, inspite of the letter of the Directorate of Education not to continue her service and the fact that her salaries have been recovered from October 2007 to July 2008. The tone and tenor of the concise reply in the letter dated 05.11.2008, the Respondent No. 1 admits that the services of Mrs. Jean Braganza continue, inspite of the order of the Director of Higher Education to the contrary. The same reply indicates that there is nothing in writing so as to enable the Respondent No. 1 to provide with the certified copy of any writing in respect of continuation of services of Mrs. Jean Braganza. Since the Appellant requires certified copy of any writing and the Respondent No. 1 is unable to provide such writing, the Respondent No. 1 answered to the request made by the Appellant in the letter dated 05.11.2008.

8. In respect of the information sought in the request dated 08.10.2008 wherein the Appellant requires certified copies of the procedure/Departmental Promotional Guidelines adopted in order to promote Mr. Seby D'Silva to the post of UDC, the Respondent No. 1 provided the copies of second minutes of the DPC. The Appellant is seeking the procedure/Departmental Promotional Guidelines and not the minutes of the DPC. The Respondent No. 1 ought to have provided the Appellant the basis upon which the proportion to the post of UDC is carried out. Such as, who is eligible for the promotion; what educational qualifications are required and experience needed for the post of UDC. The minutes only indicate the process of selection for the post of UDC and it is not a guideline for promotion to the said post.

9. Since the information provided by the Respondent does not answer the query of the Appellant and the information is incomplete, the orders of the Respondent No. 1 and the Respondent No. 2 requires interference only in regard to the information sought in the letter dated 08.10.2008. Hence, the following order:

ORDER

The appeal is partly allowed. The Respondent No. 1 is directed to provide with the Departmental Promotional Guidelines mentioned in the letter dated 08.10.2008 to the Appellant within a period of 15 days from the date of this order.

Pronounced in the open Court on this 14th day of May 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner