

# GOA STATE INFORMATION COMMISSION AT PANAJI

**CORAM:** Shri Afonso Araujo, State Information Commissioner

Appeal No. 20/SCIC/2009

Dr. Uday L. Nagarsekar,  
'Harshad' Opp. Shivsagar Apartments,  
Mangoor Hill, Vasco-da-Gama – 403 802.

..... Appellant.

V/s.

1. The Public Information Officer,  
Dr. Amita Kamat,  
Professor,  
Department of Community Dentistry,  
Goa Dental College and Hospital,  
Bambolim – Goa.

2. The First Appellate Authority,  
Dr. Pavan Kumar Chnadra,  
The Dean,  
Goa Dental College and Hospital,  
Bambolim – Goa.

..... Respondents.

Appellant present in person.

Respondent No. 1 in person. Respondent No. 2 is represented by Dr. Anita Spadigam.

## **J U D G M E N T**

(Per Afonso Araujo)

The denial of the information sought on the footing that it is exempt from disclosure is the grievance in this Appeal.

2. The Appellant on 15/04/2009 sought from the Public Information Officer, Goa Dental College and Hospital, Respondent No. 1 the following information under the Right to Information Act (for short the Act) pertaining to the records of 2009-10 PG admission merit rank No. 7 Dr. Gupta Alka Rani:

1. Year of joining Goa Dental College and Year of Passing and completing internship.
2. Certified copies of marksheets from 1<sup>st</sup> to Final Year BDS including marks of attempts, if any.
3. Certified Xerox copy of PG application form of the said candidate (Dr. Gupta Alka Rani) for the academic year 2009-10.

...2/-

The Respondent No. 1 by letter dated 8/5/2009 and referring to the letter of the Dean of the Goa Dental College denied the information sought by the Appellant. The letter dated 8/5/2009 of the Dean addressed to the Respondent No. 1 is stated as follows: -

“It is hereby conveyed that as the MDS admission process is not yet completed, personal information as in year of joining, year of passing, copies of marksheets from 1<sup>st</sup> to final BDS, copies of marksheets from 1<sup>st</sup> to final BDS and Xerox copy of Post Graduate application form of our ex-student Dr. Alka Rani, who is 7<sup>th</sup> on the Merit list for MDS admission 2009-2010, cannot be disclosed as it would lead to violation of privacy of the said candidate under section 8(1)J of the RTI Act 2005.”

3. Aggrieved by this denial of the information, the Appellant preferred this Appeal on the ground that the Respondent No. 1 denied the information based on the letter of the Dean who happens to be First Appellate Authority, and the provisions of section 8(1)(j) of the Act are not attracted.

4. In his submission, Dr. Nagarsekar has stated that his son is one of the candidate for the MDS course and was placed 8<sup>th</sup> in the merit list and that during the counseling he noticed someone signed on behalf of the candidate 7<sup>th</sup> on the merit list and who was above him, and that this fact led the Appellant to seek information under the Act and from the information provided the candidate Dr. Alka Rani Gupta has given authority letter to Dean and that the genuineness of the letter of authority is doubtful and fearing that there may be some irregularities in the list prepared, information was sought and that there is nothing confidential or affecting the privacy of candidate No. 7 and that the Respondent No. 1 be directed to provide with the information urgently.

5. Dr. Kamat has stated that the information sought pertains to the candidate Dr. Gupta Alka Rani and such information is exempted as it affects the privacy of the individual. Dr. Spadigam submitted that Dr. Alka Rani applied long back and that the process of selection is still going on after the direction of the High Court in the Writ Petition and whatever information was required was provided to the Appellant and reply to the

information at Sr. No. 1 and 2 of the letter dated 15/04/2009 can be considered but the information at Sr. No. 3 of the same letter pertains to Dr. Alka Rani and if it is provided it will affect privacy of the individual.

6. I have gone through the records and taken into consideration the submission of the parties. The only point for consideration is whether the Public Information Officer was justified in denying the information sought to the Appellant.

7. The mandate in section 3 of the Act is that all citizens shall have the right of information and only in cases enumerated in section 8(1) of the Act, the information is exempted from disclosure. The Appellant is the Father of the candidate who is aspiring a seat in the Post Graduate course in Dental College. The Appellant's son stands 8<sup>th</sup> in the merit list prepared by the Respondent No. 2 and at the time of signing the attendance list his son noticed that the candidate No. 7 who is just above him has not signed and there is a signature of someone who represented her. This fact led the Appellant to request for the information regarding the attendant list of counseling and any authorization by the candidate No. 7 to represent her. The Respondent No. 1 provided the information and furnished the Appellant with the copies of the attendant list as well as letter of authority of the candidate No. 7. On perusing the attendant list, the 7<sup>th</sup> candidate has not signed but the representative has put a signature and the letter of authority indicates that Dr. Alka Rani Gupta has authorized Dr. P. K. Chandra, Dean, Dental College, to sign on her behalf.

8. Not content with manner the letter of authority was written without any date and specially authorizing the Dean of the Dental College to sign on her behalf, the Appellant again approached the Respondent No. 1 and sought information in the letter dated 15/04/2009 regarding the PG admission merit rank No. 7 Dr. Gupta Alka Rani and required information in respect of year of joining Goa Dental College and year of passing and completing internship; certified copies of marksheet from 1<sup>st</sup> to final year BDS including marks of attempts and certified copies of PG application form for the academic year 2009-10. The Respondent No. 1 did not

provide the information on the basis that it is exempted from disclosure as it would lead to violate the privacy of the candidate under section 8(1)(j) of the Act.

9. The fact that the process of admission is still continues in view of the outcome of and direction in the Writ Petition and the selection list is yet to reach its finality, the Respondent No. 1 would have been justified in denying the information. However, taking into consideration that the Respondent No. 1 throughout have been providing the information whenever the Appellant has sought for while selection process is going on, there are no reasons now to deny the information specially when the Appellant came to know that Dr. Alka Rani Gupta has given an authority letter to the Respondent No. 2.

10. In all fairness the Respondent No. 2, the Dean of the Goa Dental College should not have accepted the letter of authority from a candidate contesting for a seat in a Post Graduate course. The conduct of the Respondent No. 2 will show bias and having some vested interest in the particular candidate and for all purpose affect the selection list and lead the other candidate to cast aspersion on the selectors. No doubt it is not the domain of the Act to say whether the conduct of the Respondent No. 2 is right or wrong but accepting the authority letter from the candidate and making use of this letter of authority by signing on behalf of the candidate will cause some apprehension on the minds of the other candidate that the selection may not be fair and impartial and in order to clear of such apprehension, the Appellant sought the information mentioned in the letter dated 15/04/2009.

11. The information sought by the Appellant in his letter dated 15/04/2009 contains the records available with the Dental College and even the Post Graduate application form is based on the records and the Public Information Officer has to provide the information sought and since the Appellant requires the information urgently as the process of completion of selection list will take place by 1<sup>st</sup> of June, the information will have to provide as soon as possible. Hence, the following order: -

...5/-

**ORDER**

The Appeal is allowed. The Public Information Officer – Respondent No. 1 is directed to provide the information at Sr. No. 1, 2 and 3 of the letter dated 15/04/2009 to the Appellant by 25<sup>th</sup> of May, 2009.

Pronounced in the open court on this 21<sup>st</sup> day of May, 2009.

Sd/-  
(Afonso Araujo)  
State Information Commissioner

