

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 300/SCIC/2008

Mr. Deepak Paiguinkar,
H. No. 482, Odlem Bhat,
Deul Wado, St. Cruz,
Ilhas – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Institute of Psychiatry & Human Behaviour,
Bambolim – Goa.
2. First Appellate Authority,
The Director & Dean,
Institute of Psychiatry & Human Behaviour,
Bambolim – Goa.

..... Respondents.

Appellant absent.

Respondent No. 1 in person.

Smt. Ansa Gohar, Dy. Director, authorized representative for Respondent No. 2.

J U D G M E N T

(Per Afonso Araujo)

By request dated 29/10/2008, the Appellant sought information under the Right to Information Act, 2005 (for short the RTI Act) and requires to know what were the terms and basis of the selection done for the post of Attendants and Sweepers in IPHB, Bambolim and what were his negative points for which he was not appointed for in one of the post. The Respondent No. 1 in his reply dated 11/11/2008 stated that the appointments are made on the basis of the performances of the candidates by the Departmental Selection Committee at the time of interview.

2. The Appellant on 17/11/2008 again sought the information and requires the names and addresses of the recruited attendants and sweepers during the interview held on 14/7/2008, 28/7/2008 and 30/7/2008 and by letter dated 24/11/2008, the Respondent No. 1 provided the information required. It appears that the Appellant approached the First Appellate Authority, the Dean of Medical College and by communicated dated 26/12/2008 addressed to Respondent No. 1 the

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First Appellate Authority directed the Respondent No. 1 to give the reply to the information sought to the Appellant and further the same letter states that the Appellant's request for investigation into the process of the recruitment is behind scope of the Act and the Appellant may make the separate application for the same to the appropriate authority. On 23/2/2009, the Appellant filed the Second Appeal.

3. Shri Cuncolienar submitted that the information sought on 29/10/2008 was replied on 27/11/2008 and the second information sought on 17/11/2008 was provided on 24/11/2008 and the complete information sought was given on 12/01/2009 by the Deemed Public Information Officer.

4. I have gone through the records of the case and the submissions of the Respondents. The information sought by the Appellant in his request dated 29/10/2008 and 17/11/2008, was provided by the Respondent No.1 on 09/01/2009 upon the direction by the First Appellate Authority. The grievance of the Appellant in this Second Appeal is more in form of a complaint for depriving him of his selection rather than seeking the information under the RTI Act. On going through the grounds of the Appeal, the Appellant's grievance is that he being employed in I.P.H.B. and being conversant with the work and working for the last 7 years he has not been selected either for the post of Sweeper or Attendant for the same. The candidates who has been shown in the eligible list pertaining to the interview conducted who were placed after the Appellant were shown has selected in the selected list and that more than $\frac{3}{4}$ of the candidates were selected from Sattari taluka. From the information provided by the Respondent No. 1, the Appellant in this Appeal mentioned the redresses which he has for not being selected either for the post of Attendant or Sweeper. It may be that redresses which the Appellant pointed out in this Appeal are genuine. The Right to Information Act is unable to provide the reliefs which the Appellant is seeking. The Appellant has to seek a remedy in a proper forum rather than resort to the Second Appeal and seek remedy under the Right to Information Act. The purpose of RTI Act is to provide information from the records. Precisely, the Respondent No. 1 provided the information in the communication dated 09/01/2009. The Appellant noticed many irregularities and the Appellant based on this

information provided has to point out those irregularities to the appropriate authority so as to enable to obtain the necessary relief in the process of the selection. It is not in the domain of the RTI Act to provide any relief for the irregularities in the process of the selection.

5. Since the information required by the Appellant was provided by the Respondent No. 1 and there is no grievance on the part of the Appellant that the information sought was not proper or incomplete, this Appeal is without any merits. Hence, the following order: -

ORDER

The Appeal is dismissed.

Pronounced in the open court on this 28th day of August, 2009.

Sd/-
(Afonso Araujo)
State Information Commissioner

