

GOA STATE INFORMATION COMMISSION AT PANAJI

CORAM: Shri Afonso Araujo, State Information Commissioner

Appeal No. 311/SIC/2008

Dr. Medora Celine Dias,
Assistant Lecturer,
Department of Anatomy,
Goa Medical College,
Bambolim – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Goa Public Service Commission,
Paaji - Goa.

..... Respondent No. 1

2. First Appellate Authority,
The Secretary,
Goa Public Service Commission,
Panaji - Goa.

..... Respondent No. 2.

Shri R. Almeida for the Appellant.

Respondent No. 1 absent.

J U D G M E N T

(Per Afonso Araujo)

The Appellant sought the information under the Right to Information Act, 2005 (for short the RTI Act) by request dated 18th September, 2008 and require information at Sr. No. 5 namely, copy of minutes of meeting of Dr. Deepa H. Kamat, promoted to post of Lecturer on Regular basis, by order No. 4/25/2002-II/PHD(Part)/661 dated 22-05-2003. On transfer the Respondent No. 1 by communication dated 30th October, 2008, denied the said information on the ground that the disclosure of such information would amount to invasion of their intellectual property rights. Not content with the decision of the Respondent No. 1, the Appellant preferred the First Appeal on 6th November, 2008 and by Order dated 05/12/2008, the First Appellate

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Authority maintained the decision of the Respondent No. 1. Hence, this Second Appeal.

2. The information sought at Sr. No. 5 in the request dated 18th September, 2008, the Appellant requires the minutes of meeting of the DPC of Dr. Deepa H. Kamat, promoted to post of Lecturer on Regular basis, by order No. 4/25/2002-II/PHD(Part)/661 dated 22-05-2003. The copy of the Order was provided to the Appellant but in respect to the information about the minutes of DPC meeting was denied on the strength that the disclosure of such information would amount to invasion of intellectual property of the rights. In fact the minutes of the DPC meeting contain the views expressed by the members of the promotion committee including the experts brought to this task. They are required to exercise their expertise in the process of the selection and as such it would be proper that the minutes of DPC meeting be kept confidential. A fiduciary relationship arises between the department and the panel of experts and other members who have served in the DPC meetings and as such the disclosure of minutes of DPC meetings are exempted u/s. 8(1) (e) of the RTI Act.

3. Since minutes of the DPC meeting reflects the opinion of the experts and other members of the committee are confidential being of fiduciary nature and exempt from disclosure u/s. 8(1) (e), the Respondent No. 1 and the First Appellate Authority rightly denied the information sought though on different ground of exemption. There are no reasons for interference with the Order of the First Appellate Authority. Hence, the following Order: -

ORDER

The Appeal is dismissed.

Pronounced on this 26th day of February, 2010.

Sd/-
(Afonso Araujo)
State Information Commissioner

