

GOA STATE INFORMATION COMMISSION

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

Appeal No. 30/2006/DTE

John Philip Pereira
H. No. 520, Mazilvado,
Nagoa, Salcete - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Directorate of Technical Education,
Porvorim - Goa.
2. First Appellate Authority,
Directorate of Technical Education,
Porvorim - Goa.

..... Respondents.

CORAM:

Shri A. Venkataratnam
State Chief Information Commissioner
&
Shri G. G. Kambli
State Information Commissioner

(Per G. G. Kambli)

Under Section 19 (3) of the RTI Act, 2005 (Central Act 22 of 2005)

Dated : 30/10/2006.

ORDER

This second Appeal is directed against the letter No.1/DTE/A.A./2006-07/1177 dated 10/8/2006 of the Respondent No. 2 (hereinafter referred to Impugned letter) under sub-section (3) of Section 19 of the Right to Information Act, 2005 (for short RTI Act).

2. The facts leading to the second appeal are that on inquiry upon the complaint of the Appellant, the Directorate of Vigilance by their confidential letter No.5/2/2005-VIG/Misc.(72)/6321 dated 28/12/2005 requested the Secretary (Higher and Technical Education) to take appropriate steps immediately to make Central Civil Service (Conduct) Rules, 1962 and/or the provisions of the Section 91 of the Goa School Education Act, 1984 applicable to all the Aided Private Education Institutions under the control of the Directorate of Technical Education till the Directorate of Technical Education prepares comprehensive rules and regulations. The Appellant by his application dated

...2/-

24/4/2006 requested the State Information Officers of the Directorate of Technical Education to provide a certified copy of the circular issued by the Government pursuant to the directives of the Directorate of Vigilance. As the Appellant did not receive any communication from the Respondent No. 1 within the statutory period, the Appellant preferred an appeal to the Respondent No. 2, being the first Appellate Authority on 9/6/2006 requesting to provide the information as sought by the Appellant. The Respondent No. 2 by the impugned letter informed the Appellant to approach the Vigilance Department for the issue of the copy of the circulars as the circular was marked as confidential.

3. Both the Respondents have filed their Affidavits. The Respondent No. 1 in his Affidavit has stated that the Appellant has written around 10 applications seeking information pertaining to the Agnel Polytechnic, Verna and the information has been provided to the Appellant wherever feasible. As regards the information sought by the Appellant vide letter dated 24/4/2006, the Respondent No. 1 has stated that the Appellant is seeking the certified copy of the circular, which is not in existence. The Respondent No. 1 has also stated that the Public Information Officer can issue the information/certified copy of any document provided such information or document is in the custody of the PIO or is made available to the PIO by the other officers.

4. The Respondent No. 2 in his Affidavit has stated that since the circular was not in existence, the Respondent No. 2 also could not provide any certified copy to the Appellant. The Respondent No. 2 further stated that the Respondent No. 2 was confused and wrongly interpreted in referring to the letter from the Directorate of Vigilance. He also stated that there was no any intention or malafide not to provide the information to the Appellant.

5. We have gone through the available records as well as the Affidavit filed by both the Respondents. The Appellant requested a certified copy of the circular issued by the Government pursuant to the letter dated 28/12/2005 of the Directorate of Vigilance. According to the Respondents, decision is not yet taken on the letter of the Directorate of Vigilance and the matter is under consideration. The Respondent No. 2 in the Affidavit has stated that the action has already been initiated on the directives of the Vigilance Department and on account of procedure involved, there has been delay in obtaining the sanction and approval

of the competent authority. The Respondent No. 2 has also assured in the Affidavit that as soon as the circular is ready, a copy of the same would be provided to the Appellant.

6. We agree with the Respondents that in the absence of any circular, the Respondents could not provide a certified copy of the circular sought by the Appellant. However, the reply given by the Respondent No. 2 vide the impugned letter is not proper as the Appellant did not seek a copy of the directives given by the Directorate of Vigilance but a certified copy of the circular issued by the Government pursuant to the said directives. Therefore, the impugned letter cannot stand and the same is hereby quashed and set aside.

7. In the result, the appeal is partly allowed. The Respondents are directed to provide a copy of the circular as and when the same is issued.

Pronounced in the open Court on this 30th day of October, 2006.

(G. G. Kambli)
State Information Commissioner, GOA.

(A. Venkataratnam)
State Chief Information Commissioner, GOA.