

## **GOA INFORMATION COMMISSION**

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

Appeal No. 113/2007-08/PHS

Shri. Vithal K. Naik,  
Sateri Bhat, Volvoi,  
Ponda - Goa.

..... Appellant.

V/s.

1. The Public Information Officer,  
The Principal,  
People's Higher Secondary School,  
Panaji – Goa.
2. The first Appellate Authority,  
The Director,  
Directorate of Education,  
Panaji – Goa.

..... Respondents.

### **CORAM:**

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

(Per G. G. Kambli)

Dated: 20/02/2008.

Appellant in person.

Adv. N. Kamat represented Respondent No. 1. Respondent No. 2  
absent.

### **ORDER**

This is the second appeal filed by the Appellant against both the Respondents on 24/12/2007 alleging that he did not receive the information sought by him nor given any order passed by the Respondent No. 2 in appeal No.40/07. The notices were issued to the parties. Both the Respondents filed their replies.

2. The Respondent No. 2 has submitted that the appeal filed by the Appellant was already disposed off by order dated 18/12/2007 directing the Respondent No. 1 to provide the information to the Appellant within 6 days i.e. on 24/12/2007. The Respondent No. 2 has also produced a copy of the order. The Advocate for the Respondent No. 1 filed the preliminary objections and prayed that the preliminary objections may be decided prior to taking up the appeals on merits.

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3. The Respondent No. 1 submitted that the present appeal filed by the Appellant is not at all maintainable which is purportedly filed by the Appellant under the Right to Information Act, 2005 (for short the Act). The Respondent No. 1 contended that the first appeal filed by the Appellant before the Respondent No. 2 was decided in favour of the Appellant and therefore, the Appellant cannot and could not have any grievances against the said order dated 18/12/2007 passed by the Respondent No. 2.

4. The Appellant had filed the first appeal dated 22<sup>nd</sup> November, 2007 before the Respondent No. 2 and it is seen from the self-attested copy of the appeal memo produced by the Appellant, the same was sent by the Registered A/D. The Appellant has not produced the A/D to show on which date the Respondent No. 2 received the said appeal of the Appellant. The Respondent No. 2 had issued the notice of the hearing of the first appeal on 11/12/2007 fixing the appeal for hearing on 18/12/2007 at 4.30 p.m. and passed the order on the same day. This being the position, the Respondent No. 2 had passed the order within the time limit laid down in sub-section (6) of section 19 of the Act. Therefore, we do not see any fault in passing the said order by the Respondent No. 2.

5. Coming now to the provisions of sub-section (3) of section 19 of the Act which provide for filing of the second appeal before this Commission, the said sub-section (3) of section 19 reads as follows :-

“Section 19 - .....

(3) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission. ....”.

6. It will be, therefore, seen from the above that a second appeal lies against the decision of the first Appellate Authority. In the instance case, as rightly pointed out by the Respondent No. 1 that the first Appellate Authority has decided the appeal in favour of the Appellant and therefore, he cannot said to be aggrieved person. We agree with the learned Advocate for the Respondent No. 1 that the Appellant cannot file a second appeal under sub-

section (3) of section 19 of the Act against the decision of the Respondent No. 2 since the decision of the Respondent No. 2 is in favour of the Appellant. Being so, there is no cause of action for the Appellant to file the present second appeal.

7. Therefore, we have no other alternative but to reject the present second appeal filed by the Appellant.

Pronounced in the open court on this 20<sup>th</sup> day of February, 2008.

Sd/-  
(G. G. Kamblī)  
State Information Commissioner

Sd/-  
(A. Venkataratnam)  
State Chief Information Commissioner