

GOA INFORMATION COMMISSION

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

Appeal No. 129/2007-08/GPSC

Dr. Daisy John,
H. No. 889, Alto Torda,
Alto, Porvorim – Goa.

..... Appellant.

V/s.

1. Public Information Officer,
Goa Public Service Commission,
Panaji – Goa.
2. First Appellate Authority,
The Chairman,
Goa Public Service Commission,
Panaji – Goa.

..... Respondents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 17/04/2008.

Appellant represented by Shri. Silverio Dias.

Both the Respondents are represented by Adv. Hanumant Naik.

ORDER

This disposes off a second appeal filed by the Appellant on 4th February, 2008 praying for the issuance of the applications of the candidates who appeared for an interview for the post of Principal, Home Science College held by the GPSC in the year 2002. The Appellant has also prayed for the issuance of a copy of the minutes of the selection committee, which has conducted the interview for the said post and recommended the appointment to the Government. The Appellant is an unsuccessful candidate for that post.

2. Notices were issued and a written reply was filed by the Adv. H. Naik for the Respondent No. 1. The case of the Respondents is that the applications of the candidates who were interviewed have been "weeded out". The Respondent No. 1 has filed the instructions of the GPSC on the subject. Except for a few documents, the applications made could be destroyed as per that note/order, after one year. It is sufficient for us to state that the files of the successful candidates could be destroyed after completion of their probation period. The applications of other candidates can be

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destroyed after one year. The request of the Appellant, therefore, cannot be entertained on this ground and we uphold the orders of both the Respondents on this matter.

3. The next prayer of the Appellant is about the minutes of the selection committee. The Respondent No. 1 who is the Public Information Officer has refused minutes on the ground that they are confidential. The first Appellate Authority, Respondent No. 2 herein has also held the same view and rejected the request of the Appellant. As against this, the contention of the Appellant is that there is no category of confidentiality under Right to Information Act, 2005 (RTI Act for short). On the other hand, the learned Advocate for the Respondents could not cite any provision under the RTI Act for withholding the information. The Appellant cited the proviso to section 8(1)(j) of the Act to state that the information which cannot be denied to the Parliament or State Legislature shall not be denied to any person. However, he has not cited any provision that the information requested by her could not be denied to the State Legislature. Besides, this proviso is applicable to only section 8(1)(j) i.e. personal information which has no relation to any public activity or interest. The request was not rejected under this clause. We are of the view that the copy of the minutes of the selection committee of the GPSC does not contain any such personal information except qualifications, experience and other details of the candidates which cannot be termed as personal nor the revealing of such information amounts to invasion of the privacy of the candidates. However, the views expressed by the members of the selection committee, which consists of experts in the field of the specialization for which the interview is held, contain information which would amount to their intellectual property rights. This being the case, it cannot be revealed to the citizens under section 9 of the RTI Act. This view was held in our earlier case Second Appeal No. 75/2007-08, Anil Murgaonkar Vs. Goa Public Service Commission. We confirm and reiterate our view and uphold the decisions of the Respondents though for a different reason.

4. Before we part with the case, we would like to mention that the Appellant has relied on a number of cases on the DPC minutes decided by the Central Chief Information Commissioner. However, none of these cases are available for reference by us. Again, we have held that the Central Chief Information Commissioner's decisions are not binding on this Commission as it is neither the appellate authority nor the reviewing body of our decisions. Hence, we are not in a position to get into the cases cited by the Appellant. He has also cited the Karnataka case reported in AIR 2005 Karn 21 in case of K. Ravikumar v/s. Bangalore University. Here also, we do not have the benefit of accessing the said judgement, as no copy is filed by her. However, as per the statement made by the Appellant herself the decision is about the authorities who "cannot flatly deny any document on the ground of confidentiality or secret in such matter". We have already rejected the decisions of both the Respondents on this

ground. We have upheld the rejection of the documents by the Respondents for other reasons. Hence, we are afraid that the Karnataka judgement relied by the Appellant is not relevant.

5. For the above reasons, the appeal is dismissed.

Announced in the open court on this 17th day of April, 2008.

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

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