GOA INFORMATION COMMISSION

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

2nd Appeal No.137/07-08

Mr. Bonfilio Carlos Da Cruz,
Sobitai, St. Mary's Colony,
Miramar, Panaji – Goa. Appellant

V/S

1) Public Information Officer,
The Secretary,
Goa Board of Secondary & Higher Secondary Education,
Alto Betim – Goa. Respondent No. 1

2) The First Appellate Authority,
The Chairman,
Goa Board of Secondary & Higher Secondary Education,
Alto Betim – Goa. Respondent No. 2

CORAM:

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

(Per G.G. Kambli)

Dated: 08/04/2008.

Appellant in person.

Adv. Shri J. P. Mulgaonkar for the Respondents.

O R D E R

This is the 2nd Appeal filed by the Appellant against the Respondents purportedly under sub-section (3) of section 19 of the RTI Act 2005 (for short the Act). Upon issuing the notices, the Respondent No. 1 filed the reply.

…2/-

2. Shri J. P. Mulgaonkar, the learned Adv. for the Respondents raised preliminary objection stating that the appeal under sub-section (3) of section 19 of the Act lies against the decision of the First Appellate Authority. In the instant case, Shri J. P. Mulgaonkar, the learned Adv. for the Respondents pointed out that the Respondent No. 2 has not received the first appeal filed by the Appellant. The Appellant submitted that first appeal was sent by post under certificate of posting. However, he could not produce any documentary evidence that the first appeal dated 14/12/2007 was received by the Respondent No. 2.

3. On merit Shri Mulgaonkar the learned Adv. For the Respondents submitted that the Appellant was allowed to inspect the records and also provided the copies of the documents sought by the Appellant. He drew our attention to the memo of appeal filed by the Appellant and submitted that the Appellant grievances is in respect of boards resolution and therefore, the remedy is not available under the Act before this Commission. The Appellant in his appeal has prayed that the Respondent No. 1 be penalized for delaying the information and Respondent No. 2 be reprimanded for denial of request. The Appellant stated that there has been a delay of 2 days on the part of the Respondent No.1. Shri J. P. Mulgaonkar submitted that there has been no delay in furnishing the information to the Appellant keeping in view the provisions of section 7 (3) (a) of the Act as the time taken by the Appellant to pay the fees is to be excluded in calculating the period laid down under the Act.

4. We agree with the learned Adv. For the Respondents that the 2nd Appeal under sub-section 3 of section 19 of the Act lies to the commission only against the decision of the First Appellate Authority. The First Appellate Authority i.e. the Respondent No. 2 herein denied of having received the appeal and the Appellant has also failed to produce any documentary prove that the appeal was received by the Respondent No. 2. Therefore, the present appeal is not at all maintainable. Hence, we reject the appeal.

Pronounced in the open court on this day 8th April, 2008

Shri G.G. Kambli
State Information Commissioner

Shri A. Venkataratnam
State Chief Information Commissioner