

## GOA INFORMATION COMMISSION

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

Appeal No. 17/2007-08/

Shri. Sudan R. Desai,  
H.No. 6/92 F, Sonarbhat,  
Saligao, Bardez – Goa.

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Appellant

V/s.

1. Public Information Officer,  
Shri. Ajit D. Naik,  
Goa Industrial Development Corporation,  
EDC Complex,  
Patto, Panaji - Goa

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Respondent No. 1

2. First Appellate Authority,  
Shri. A. V. Palekar,  
Goa Industrial Development Corporation,  
EDC Complex,  
Patto, Panaji – Goa

Respondent No. 2

### **CORAM:**

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

(Per G. G. Kambli)

Dated: 09/08/2007

Appellant in Person

Respondent No. 1 in Person

Respondent No. 2 represented by Shri Mandar Shirodkar, Law Officer, Goa IDC.

### **JUDGMENT**

Aggrieved by the order dated 14-05-07 of the Respondent No. 2, the Appellant has preferred this 2<sup>nd</sup> Appeal under subsection (3) of section 19 of the Right to Information Act, 2005 (hereinafter referred to as the Act).

2. The case of the Appellant is that the Appellant vide his Application dated 16-03-07 requested the Respondent No. 1 to furnish the following information:

(1) How many applications received under P.H. category of F.M. Post and other details.

(2) Written information or priority and reservation to P.H. candidates as per Rosters.

(3) Names of Candidates applied for the post and their qualifications.

...2/-

- (4) Certified copies of answer paper and first 50 Rank with marks obtained in written test of Field Manager and correct answer (for paper).
- (5) Information regarding increase in recruitment of post in near future.
- (6) Names of selection committee members and post held.

3. According to the Appellant the Respondent No. 1 provided the information on points No. 3 and 6. The grievances of the Appellant is that the Respondent No. 1 has provided misleading information in respect of point No. 1, no information has been provided in respect of point No. 2 and the information in respect of points No. 4 and 5 has not been provided on the ground that it is treated as confidential in nature.

4. The Appellant alleges that the Respondent No. 2 has not heard the Appeal properly and the Appellant was pressurised to withdraw the Appeal. The Appellant had also filed written arguments before the Respondent No. 2.

5. Upon issuing the notices, both the Respondents filed their replies. The Appellant has also filed his written arguments. Coming now to the point No. 1, the Appellant has sought the information regarding the number of applications received under P.H. category for F.M. post and other details. The Respondent No. 1 has replied that the no applications were invited from the candidates belonging to the Physically Handicapped category for the post of Junior Programmer, Field Manager and Assistant. Being so, we do not find anything wrong in the information provided by the Respondent No. 1 on point No. 1. Regarding the point No. 2, the Respondent No. 1 requested the Appellant to inspect the rosters maintained by the Corporation for the said post. In an Appeal filed by the Appellant, the Respondent No. 2 had directed the Respondent No. 1 to furnish copies of the rosters pertaining to the post of Jr. Programmer, Field Manager and Assistant. In compliance with the Order of the Respondent No. 2, the Respondent No. 1 provided the copies of the rosters of the post of Field Managers and Assistants and as regards to the Junior Programmer, the Respondent No. 1 has informed that there exists only one post of Junior Programmer. Therefore the Appellant

cannot make any grievances as regards to the information on points No. 2 as the copies of the Roster have been made available to the Appellant. Regarding the points No. 5, the Appellant has sought the information regarding increase in recruitment of post in near future. This is a future policy matter of the public Authority and therefore the Respondent No. 1 being the Public Information Officer cannot furnish the information which is not available with him.

6. The only point which remains to be considered by the Commission is whether the information on the point No. 4 is to be treated as confidential in nature. The Appellant submits that the Respondents cannot treat this information as the confidential unless it comes under the exempted categories. The Appellant has sought the certified copies of the answer papers and first 50 rank with mark obtained in written test of Field Manager and correct answer. As regards the answer papers it is to be noted that the Respondents are holding this information in fiduciary relationship and therefore the Respondents were right in withholding the disclosure of evaluated answer papers of the candidate which will fall under clause (e) of sub-section (1) of section 8 of the Act. The Appellant has also sought the information as regards to the first 50 rank with marks obtained in written test for the post of Field Manager. We did not find any reason for withholding this information regarding the marks obtained by first 50 candidates and therefore the Respondents cannot treat this information as confidential in nature.

7. In view of the above we pass the following order:-

### ORDER

The Appeal is partly allowed. The Respondent No. 1 is directed to provide certified copies of the marks obtained in written test for the post of Field Manager by the first 50 candidates, after collecting the fee prescribed.

Announced in the open court on this 9th day of August, 2007.

(G.G. Kambli)  
State Information Commissioner

(A. Venkataratnam)  
State Chief Information Commissioner