

## **GOA INFORMATION COMMISSION**

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

Appeal No. 18/2008

Shri. Premanand G. Phadte,  
46/E, Arlem Rai,  
Salcete, Goa – 403720.

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Appellant.

V/s.

1. Public Information Officer,  
The Headmistress,  
Mahila & Nutan English High School,  
Margao – Goa.
2. First Appellate Authority,  
The Director,  
Directorate of Education,  
Panaji – Goa.

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Respondents.

### **CORAM:**

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

(Per A. Venkataratnam)

Dated: 09/07/2008.

Appellant absent.

Respondent No. 1 in person.

Respondent No. 2 is represented by Shri. Avinash V. Nasnodkar, A.E.O. (Legal).

### **ORDER**

The Appellant herein, requested for certain information on 23/03/2007 to the Public Information Officer of the Directorate of Education. The information requested is on 5 points. As the various replies given to him by the Respondents were found by the Appellant to be not satisfactory, a second appeal was earlier submitted to this Commission bearing No. 72/2007-08/Edu. which came to be disposed off by our order dated 29/11/2007. In that order, certain directions were given to the Respondents herein while setting aside her order dated 27/07/2007.

2. In this appeal, we are concerned with the direction given in our earlier order dated 29/11/2007 that the Public Information Officer, Respondent No. 1 herein should deal with the request No. 1 that of the said request thereof by the school management. Accordingly, the part of the original request dated 23/03/2007 was forwarded to the Respondent No. 1 by the Department of Education as per section 6(3) of the Right to Information Act, 2005 (for short the RTI Act) and our own direction. The school management by their letter dated 5/02/2008 have replied to him serially the information asked by the Appellant. As the information was not satisfactory to the Appellant, he has

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gone in the first appeal before the Respondent No. 2 who has allowed the appeal. In this second appeal which is strictly not against the impugned order dated 7/02/2008 of the first Appellate Authority, the Appellant has prayed that the Public Information Officer should be directed to provide correct information and that the Public Information Officer as well as Respondent No. 2 i.e. Director of Education should be penalised under the RTI Act. He has also further requested for payment of compensation to him for causing financial, physical and mental sufferings. The list of calculation is also enclosed to the appeal. The Appellant could not, however, mention the exact amount which he requires as compensation as he was not sure of the number of hearings that would be held before this Commission. He himself did not participate in the second appeal filed by him before us, obviously overcome by the stress he had to face already. Nevertheless, we proceed further in his absence under Rule 7(2) of Appeal Procedure Rules, 2006.

3. We will straight way deal with the request and the reply by the Public Information Officer. The first question is about the reasons as to why the syllabus was not prescribed for the admission test conducted by the M & N English High School in 2005. The Public Information Officer has replied that no oral or written tests are conducted by school for admission to any of the classes. However, they have qualified this stating that for the students who have completed their primary education from schools other than Vidhya Bharati, an "oral session" is conducted by them to find out whether any special attention is required to be taken by them to upgrade their standard to the standard of the students of the M & N English High School. There is, therefore, no question of prescribing any syllabus. We do not find that there is any incompleteness in the reply. They have stated what they are doing and why they are doing so. We have said repeatedly, it is not for this Commission to judge what they are doing is correct. The next point is about why was a question on lesson No. 2 from the English book of Gomant Bharati asked during the oral test, even though the child has already learnt English as prescribed by the Education Department. The Public Information Officer has replied that the questions are posed to test the general knowledge of the children and is not based on any particular book. There is no way to conclude that the Public Information Officer has either given a false reply or has given incomplete information. Therefore, we do not find any merit in the ground taken by the Appellant. The third question is about why the school management has not informed the Appellant about the performance of his son inspite of asking for the same. The Public Information Officer has informed that as no test was conducted, the Manager did not inform the Appellant about the performance of his son. Here a distinction is made by the school management about an "oral test" and an "oral session". It is the contention of the school management throughout that only "oral session" is conducted for students coming from schools other than primary section run by the same school to test the level of their understanding in order to determine the special efforts required to be made by the school management to bring them on par with the rest of the students. Whatever

be the distinction and the play of words between the "oral test and oral session", the point which is very clear to the Commission is that an evaluation was done by the school management and that only those coming upto their expectation were admitted to their school. We have already mentioned above that whether the procedure adopted by the school is correct or not is not for us to determine. We have already noted that the Director of Education has gone into this action of this school management and has warned them. This is a sufficient compliance of the provision of the norms of transparency and disclosure under the RTI Act. The Appellant has to approach a different forum for redressal of grievances of either non-admission of his son or of improper procedure followed by the school management in collecting the donations from the parents of the students or conducting a test to deny the admission only to a section of students. These are the matters outside the purview of the RTI Act.

4. The next questions also are in the same vein as why no test conducted for the students in the same school and why the majority of the students namely 72 out of 100 were given admission without conducting test. These questions are also replied to in the same manner namely, that it is a deliberate policy of the school management not to conduct the test of the students of their own school (primary section) and that the M & N English High School has given admission to students as per their own norms and principles. Therefore, we find that all the questions have been answered by the school management though not to the satisfaction of the Appellant. We have mentioned earlier and again we repeat that the aim of the RTI Act is to ensure the transparency and accountability in the administration of the public authorities and not to redress the grievances of the citizens. It is true that even after getting information from the public authorities, the grievances of the citizens may remain and indeed remain in most cases for which they have to adopt different measures before the competent authorities. The Information Commission constituted under the RTI Act does not have any adjudicating powers as held already by the Hon'ble High Court of Bombay, Panaji bench in Celsa Pinto V/s. Milan G. Natekar and another in Writ Petition No. 419/2007 decided on 3<sup>rd</sup> April, 2008.

5. In view of the above discussion, the second appeal filed by the Appellant is hereby dismissed for the same reason. The prayers of the Appellant regarding the initiating of the penalty proceedings against both the Respondents and the payment of compensation to the Appellant are also dismissed.

Pronounced in the open court, on this 9<sup>th</sup> day of July, 2008.

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

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

