

## **GOA INFORMATION COMMISSION**

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

Appeal No. 29/2007-08/EDN

Shri Cajetan Pereira  
3-Gulmohar Building,  
Opp. St. Mary's Convent,  
Altinho, Mapusa - Goa.

..... Appellant.

V/s.

1. Public Information Officer,  
The Deputy Director,  
Directorate of Education,  
Panaji - Goa.
2. 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 A. Venkataratnam)

Dated: 30/08/2007.

Appellant and Respondent No. 1 in person.

Shri Avinash Nasnodkar, AEO Legal represented Respondent No. 2.

### **ORDER**

This second appeal is filed by the Appellant against order dated 15/6/2007, hereafter called the impugned order, disposing the first appeal by the Respondent No. 2 herein. It appears that the Appellant has been requesting by a number of letters to the Respondent No. 2 on various issues concerning his educational institution called "Peter Alvares Memorial High School", at Morjim. However, he did not receive replies to his satisfaction from the Respondent No. 2. Finally on 25<sup>th</sup> April this year, he filed an application under the Right to Information Act (hereafter called the RTI Act) to the Public Information Officer, Respondent No. 1 herein, requesting information on 12 points. The Public Information Officer replied promptly on 10<sup>th</sup> May, 2007 pointwise. Feeling

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aggrieved by the reply that it does not meet his requirements, the Appellant approached the first Appellate Authority on 14<sup>th</sup> May, 2007. After hearing both the Public Information Officer and the Appellant, the Respondent No. 2 passed the impugned order dated 15/6/2007 dismissing the appeal as mentioned above. Both the Respondents have filed their replies on 24<sup>th</sup> July, 2007 and 17<sup>th</sup> August, 2007 respectively. The Appellant filed his rejoinder. The Respondents have denied that the information was not given or incorrect or improper replies were given by them. The facts of the second appeal as set out therein are that out of the 12 questions raised by the Appellant, before the Public Information Officer, the Appellant feels that no reply was given at all for 7 questions and improper and incorrect information was given for the remaining 5 questions. On a perusal of the statement submitted by the Respondents and the reply given by the Public Information Officer earlier we find that the following information is not given completely. Question No. 1 asked for the rule under which the Director of Education can insist private management to grant leave to its employees. The Public Information Officer instead of replying the rule has asked the Appellant to provide the specific details of the employee in whose case the Respondent No. 2 has insisted the private management to grant leave to its employees. The Commission finds that this is not an appropriate reply as the question is general and relates to the Education Act and Rules framed thereunder. It is possible to reply that either such provision exists or it does not exist. There is no need for the Public Information Officer or Respondent No. 2 to go into specific details when they are not asked to do so by the Appellant. By Question No. 5 the Appellant has asked again the general question whether the Respondent No. 2 can give promotion to the employees of a private aided school without consulting the management, it is possible to quote the sections of the Education Act or Rules which provide for such a power if it exists or to say definitely that no such powers exist. Here again, the Public Information Officer insisted on furnishing specific details of the employees in reply. Question No. 6 also he did the same thing. Similarly, questions No. 10, 11 and 12 also can be answered in general terms because the questions asked are general in nature. However, specific instances have been called for by the Respondent No. 1, the Public Information Officer, without answering in terms and rules and the provisions of the Education Act, which is what the Appellant has asked the Public Information

Officer. Thus, for six questions no proper reply was given. In all other cases, we find that the provisions of the Act and Rules have been quoted, definite reply has been given and no interference from this Commission is required.

2. We, therefore, allow partially the second appeal and direct the Public Information Officer to give specific replies to questions no. 1, 5, 6, 10, 11 and 12 of the original application for information filed by the Appellant. We also set aside the order dated 15/06/2007 of the first Appellate Authority.

3. In the circumstances of the case, we are not inclined to start penalty proceedings against the Public Information Officer as requested by the Appellant.

Announced in the open court on this 30<sup>th</sup> day of August, 2007.

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

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

/sf.  
sf./dk.