

GOA INFORMATION COMMISSION

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

Appeal No. 75/2007-08/GPSC

Shri. Anil D. Murgaonkar,
"H" Building, Flat No. H-F-29,
Goa Housing Board Colony,
Durgawadi, Taligao, Tiswadi - Goa.

..... Appellant.

V/s.

1. Public Information Officer,
The Secretary,
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: 17/01/2008.

Adv. V. Shirodkar for the Appellant.

Adv. Hanumant Naik for the Respondent No. 1. Respondent No. 2
absent.

ORDER

This disposes of the second appeal against the order dated 24/08/2007 of the first Appellate Authority, Respondent No.2 herein, hereinafter called the "impugned order" under the Right to Information Act, 2005 (RTI Act for short). By the impugned order, the first Appellate Authority has dismissed the first appeal filed by the Appellant and upholding the order of rejection by the Public Information Officer of the request for information by the Appellant. The Appellant has requested the information on two points, the first is the list of the candidates selected for 30 posts of Mamlatdar/Joint Mamlatdar/Asst. Director of Civil Supplies category wise, namely, SC/ST/OBC/General/ Freedom Fighters' Children. The second point of the same request is to give him copies of the

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minutes of DPC/Selection Committee of the GPSC held on 6/12/2001 to 8/12/2001 for recommending for the above posts. The Public Information Officer refused the information on the first point stating that the Appellant has to approach the Personnel Department and second point because information is "topmost confidential". The first Appellate Authority also maintained the same stand and rejected the appeal. Notices were issued. A reply was filed by the Respondent No.1 and rejoinder by the Appellant. The Respondent No. 2 is neither represented nor filed any statement.

2. Even a cursory reading of the request for information shows that the request is for giving select list of candidates recommended for appointment for the posts of Mamlatdars by the GPSC. For better clarification, the Appellant has mentioned the five orders of the Government wherein the 30 candidates were appointed. The emphasis is on providing the select list which admittedly has been prepared by the GPSC. As such, we do not understand how the Appellant could be directed to the Personnel Department of the Government for this information. Even if the information is available with another public authority, the Respondent No. 1 ought to have forwarded that particular portion of the request to the Public Information Officer of the "other public authority" under section 6(3) of the RTI Act within 5 days from the date of the receipt of the request for information. This has not been done and no reasons were given. Apparently, this information is available on the records of the GPSC and no exemption from disclosure has been claimed. Therefore, there is no alternative other than directing the Public Information Officer to furnish this information category wise to the Appellant.

3. On the point of giving minutes of the meeting of the DPC/DSC, the Respondent No. 1 has claimed confidentiality from disclosure of this information. The Respondent No. 2 has withheld the information under section 8(1)(j) of the RTI Act. Section 8(1)(j) deals with the personal information and not confidential information. No doubt, the information regarding the assessment by the GPSC is confidential but in order to ensure transparency and accountability the marks obtained by the successful candidates including those kept on waiting list and the marks obtained by the Appellant (unsuccessful candidate) will have to be disclosed. This disclosure does not invade the privacy of any individual and, on the other hand, is in the public interest to curb any

speculation that the public authority has acted less than fairly in discharging its duties. The Appellant has already alleged and it is borne out by the records furnished before us that the Commission has initially advertised for filling up 21 posts of the Mamlatdars including 11 existing posts and 10 vacancies that may arise in future. Categorywise vacancies were also mentioned in the advertisement. However, the Respondent No. 1 admitted in his written statement that the Commission has received the request from the Government to keep 19 candidates on waiting list and accordingly, the Commission has forwarded the list of wait listed candidates to the Government. The names of such wait listed candidates are not published on the notice board of the GPSC whereas the names of only 11 candidates were put on its notice board. It is interesting to note that against 11 existing vacancies as many as 19 candidates were supposed to be kept on waiting list for filling 11 existing and 10 future posts. On the other hand, 30 posts were filled in by the Government by various orders beginning from 15th February, 2002 and ending with 3rd March, 2003 on five occasions. We are also not clear as to how many candidates were put on waiting list. We are, therefore, of the considered opinion that the information regarding all the candidates recommended by the GPSC right from the date of selection i.e. 8/12/2001 in order of merit should be furnished to the Appellant alongwith details of the Appellant himself with the marks obtained by each of them. This will ensure that only the candidates selected in order of merit were appointed by the Government and as per the vacancies reserved for various categories. The information categorywise of the selected candidates should be furnished by the Public Information Officer to the Appellant within next 15 days from the date of this order. Accordingly, the appeal is partly allowed.

Pronounced in the open court on this 17th day of January, 2008.

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

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