

GOA INFORMATION COMMISSION

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

Complaint No. 04/2008

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

..... Complainant.

V/s.

1. The Public Information Officer,
The Secretary,
Goa Public Service Commission,
Panaji – Goa.
2. The first Appellate Authority,
The Chairman,
Goa Public Service Commission,
Panaji – Goa.

..... Opponents.

CORAM:

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

(Per A. Venkataratnam)

Dated: 16/07/2008.

Adv. Vasudev Shirodkar for Complainant.

Adv. Hanumant Naik for the Opponents.

ORDER

This disposes off the complaint dated 18/04/2008 filed against the Opponents for not complying with the final order dated 17/01/2008 by this Commission in an earlier second appeal case No. 75/2007. Briefly stated, the Complainant has requested for information on two points to the Respondent No. 1 on 6/6/2007. Having received no information, he has made another letter on 21/6/2007 which is not a separate request but is a follow up letter. The Public Information Officer as well as the first Appellate Authority have rejected the request. The first question was replied with a direction to the Appellant to go to the Personnel Department and the second one was rejected on the ground of confidentiality. The second appeal was, thereafter, filed before us leading to our order cited earlier. In that order, we have directed the Public Information Officer to furnish the select list of all the candidates recommended for appointment as Mamlatdar and other allied posts. We did not agree with the request of the Appellant to furnish the copies of the minutes of the selection committee but partly allowed the request and directed the Respondent No. 1 to furnish the Appellant all the marks obtained by the successful candidates as well as the

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Appellant in the interest of transparency. The Respondent No. 1, thereafter, by his letter dated 31/01/2008 furnished the select list of all the recommended candidates alongwith the marks obtained by each of them including the marks of the Complainant. It is the grievance of the Appellant now by this complaint that complete marks of all the candidates is not given to him and therefore, the information given is incomplete and misleading and that the Respondent should be punished by initiating disciplinary action.

2. Notices were issued and the Respondent No. 1 was represented by Adv. Hanumant Naik. The written statement was also filed by the Respondent No. 1. It is the contention of the Public Information Officer that all the information was already given as directed by this Commission.

3. We find that the first request regarding the select list is already given. However, in the reply to the second query, only oral marks were given. It is of course been clarified in the written statement that marks obtained by the candidates at the time of screening test are only for qualifying purposes and that they were not added to the marks obtained by the candidates during the oral interview. They have not, however, clarified that these are the only marks based on which the candidates are recommended. The overall ranking is based on different criteria and weightage given to the higher qualifications, special achievements if any like sportsmanship and any other criteria. Thus, the further details of the marks allotted to the candidates should be informed to the Appellant on payment of necessary fees. If there is no other sub-division of these marks and if no other marks are added to the interview marks, the same may be informed to the Complainant in as many words.

4. Various other grounds are cited by the Complainant in his complaint. He has raised points which are beyond the scope of the RTI Act. For example, he has stated that heavy reliance should be placed on the marks obtained in the written examination and not the oral interview. He enclosed a Government circular to this effect. Whether this is so and whether the Respondents have followed it and what are the consequences of not following the circular are all the matters outside the jurisdiction and scope of the RTI Act. The Complainant went on argue that certain candidates were given more marks than others though placed in the second merit list. We do not know what is the second merit list is about. In any case, we are not concerned with this allegation of fairness or lack of it while awarding the marks to the different candidates, as this is also outside the scope of the RTI Act.

5. The Complainant has also raised the point of placing such a huge number of 19 candidates on the waiting list whereas the vacancies were only 11 at the time of the advertisement with a possible vacancies of 10 more that may arise in future. Thus against 11 existing vacancies and 10 future vacancies 30 candidates were recommended. Whether this is correct or not is also not within the jurisdiction of this Commission.

6. With this discussion, we partly allow the complaint and direct the Respondent No. 2 to furnish the information of details of all marks obtained by successful candidates including the marks of the Complainant. The information is only in respect of the successful candidates and that of the Appellant and not about all the unsuccessful candidates.

Pronounced in the open court, on this 16th day of July, 2008.

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

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