

No. GSIC/Apl. No. 40/SIC/2010/829
Goa State Information Commission,
Shrama Shakti Bhavan,
Ground Floor,
Panaji - Goa.

Dated: 08.08.2011

- 1) Miss Carminia Dias Mandoly,
H. No. 254, Kalvado,
Cavelossim, Salcete - Goa
- 2) First Appellate Authority,
Vice Chancellor,
Goa University,
Taleigao Plateau - Goa
- 3) Public Information Officer,
Registrar,
Goa University,
Taleigao Plateau - Goa

Sub: Appeal No. 40/SIC/2010

Sir,

I am directed to forward herewith copy of the Judgment/Order dated 26.07.2011 passed by this Commission in the above Appeal for information and necessary action at your end.

Yours faithfully,



Meena H. Naik Goltekar
(Meena H. Naik Goltekar)
Under Secretary-cum-Registrar
Goa State Information Commission

Encl: As above.

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**GOA STATE INFORMATION COMMISSION
AT PANAJI**

CORAM: Shri. M. S. Keny, State Chief Information Commissioner

Appeal No. 40/SIC/2010


Miss Carminia Dias Mandoly,
H. No. 254, Kalvado,
Cavelossim, Salcete - Goa ... Appellant

V/s.

- 1). First Appellate Authority,
Vice Chancellor,
Goa University,
Taleigao Plateau - Goa ... Respondent No. 1.
- 2) Public Information Officer,
Registrar,
Goa University,
Taleigao Plateau - Goa ... Respondent No. 2.

Adv. Shri A. Mandrekar for the Appellant.
Adv. Smt. A. Agni for Respondent No. 2.

JUDGMENT
(26.07.2011)



1. The Appellant, Miss Carminia Dias Mandoly, has filed the present Appeal praying that necessary Action should be taken for not passing the Orders and has not furnished information within the time specified under the Right to Information Act and knowingly given incorrect or misleading in any manner not furnishing the information; that disciplinary action against Public Information Officer and First Appellate Authority be recommended and that penalty be imposed on the Respondents for not furnishing information, knowingly given incorrect or misleading information, etc.

2. The brief facts leading to the present Appeal are as under:-

That the Appellant had complained to the Hon'ble Governor of Goa, Dr. S. S. Sidhu, dated 27.11.2008. That inspite of several personal visits to both the Respondents they did not inform the Appellant properly about the action taken. That the Appellant was given lesser marks and that she had applied for revaluation of answer papers, however, until today no revaluation has been done. That the

Appellant had complained several times but the Respondents kept on giving different replies.

That the Appellant, vide application dated 25.07.2009 sought certain information under Right to Information Act, 2005 ('R.T.I. Act' for short) from the Public Information Officer (P.I.O)/Respondent No. 2. That the Respondent No. 1 furnished the reply by letter dated 21.08.2009. Being not satisfied the Appellant preferred Appeal before the First Appellate Authority. That the Appeal was disposed off. Being aggrieved by the said order the Appellant has preferred the present Appeal on the grounds as mentioned in the Memo of Appeal.

3. The Respondents resist the Appeal and the written statement of the Respondent No. 2/P.I.O. is on records. In short it is the case of the Respondent No. 1 that the Appellate Authority cannot be directed to remain present for hearing as has been done vide notice dated 17.02.2010. That the contents of the Appeal would demonstrate that there is no request for any information, there are complaints made about withholding of the result, failure to do revaluation, etc. That the prayers too are not in consonance with R.T.I. application. That in the entire appeal it is nowhere specified as to what is the information which had been applied for and not furnished by the Respondent herein to the Appellant. That the documents which are annexed to the Appeal refer to the representation filed before the Governor of Goa and one such application was referred by the Governor to the Goa University. That the application dated 25.07.2009 does not seek any information and contains a few points with regards to revaluation which is certainly not the scope and ambit of the Right to Information Act. That the application is obviously not maintainable and liable to be dismissed in limine. That the College had called upon the Appellant to seek readmission to L.L.B. Degree course. However, she failed to do so. That similarly the Appeal filed before the First Appellate Authority also refer to the Complaints about revaluation and no information as

such is sought from the Respondent P.I.O. That the jurisdiction of this Authority is limited to examine matters relating to information required to be supplied to persons desirous of seeking information and accordingly appropriate directions which may be issued by this Authority is in the matter of direction to the P.I.O. to submit information sought by the applicant. That the Appeal filed before the F.A.A. dated 12.10.2009 also makes it clear that there is no information sought from the P.I.O. and there is no appeal regarding failure to submit information to the Appellant. That after the decision of the First Appellate Authority the Appellant has filed an application dated 07.12.2009 for information which information was provided to her on 22.12.2009.

According to the Respondent No. 1 the Appeal is liable to be dismissed.

4. Heard the arguments. The learned Adv. Shri A. Mandrekar argued on behalf of the Appellant and the learned Adv. Smt. A. Agni argued on behalf of Respondent No. 1.

Advocate for Appellant referred to the facts of the case in detail. According to him application is dated 25.07.2009 and information is on 2 points, i.e. (1) action taken and (2) Inspection of answer books. He also referred to the reply dated 21.08.2009. According to him P.I.O. has not replied till date. He also referred to section 4(1) of R.T.I. Act. He relied on various judgments, copies of which are on record. Advocate for the Appellant submitted that information be furnished and inspection be given. He also prayed that compensation be awarded to the Appellant.

Advocate for the Respondent No. 1 also referred to the facts of the case and submitted that application is not clear and that no specific queries were asked. She next submitted that judgments relied on are not attracted. She also submitted that Appellant is not entitled for compensation.

5. I have carefully gone through the records of the case and also considered the arguments advanced by the parties. The point that arises for my consideration is whether the relief prayed is to be granted or not?

It is seen that by application dated 25.07.2009 the Appellant sought certain information from the Vice-Chancellor of Goa University. By reply dated 21.08.2009 the Registrar/Public Information Officer furnished the information. It was also informed that letter dated 19.02.2009 was not received by their office. Being not satisfied the Appellant preferred the First Appeal. By Order dated 27.11.2009 the F.A.A. disposed off the Appeal by giving an opportunity to the Appellant to ask specific and clear questions. The Appellant instead preferred the present Appeal before the Commission.

6. I have perused the Application. The same lacks clarity and is in the nature of grievances. The only thing asked is as to what action has been taken on the letters sent. I have perused the reply. The only thing which transpires is that the Appellant wants to know as to what action Goa University has taken on the letter/letters sent by the Secretary to H. E., the Governor. To my mind, the reply should be specific.

Advocate for Appellant as well as Appellant contend about revaluation, papers to be shown i.e. inspection of answer books, etc. However, there is no specific prayer regarding the same and as such the same cannot be granted at this stage.

I have perused carefully the rulings relied by the Advocate for the Appellant.

No doubt inspection can be given, however, in the factual matrix of this case I feel that the Appellant should be given an opportunity to seek proper information i.e. by asking specific and clear information so as to facilitate in furnishing information.

7. I have considered the documents on record as well as contentions advanced by the Advocates of the parties. I do agree with the Advocate for Respondent No. 1 when she contends that information is not specific.

8. In view of all this, I pass the following Order:-

ORDER

Appeal is partly allowed and the Respondent No. 2/P.I.O. is hereby directed to furnish the proper information in respect of action taken on the said letter as mentioned in the application dated 25.07.2009 within 15 days from the date of receipt of the Order.

The Appellant is free to seek information on the points agitated specifically and clearly and also can seek inspection, if any.

The Appeal is accordingly disposed off.

Pronounced in the Commission on this 26th day of July, 2011.



Sd/-
(M. S. Keny)
State Chief Information Commissioner