

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 77 OF 2013

CRISPINA D'COSTA AND 12 ORS. ... Petitioners

Versus

LAMBERT P.A. GODINHO ... Respondents
AND 3 O.R.S.

Mr. G. Malik, Advocate for the Petitioners.

CORAM: M. S. SONAK, J.

DATED : 10th FEBRUARY 2023

P.C.:

1. Heard Mr G. Malik, learned counsel for the Petitioners.
2. With the consent of Mr Malik, the petition is taken up for final disposal.
3. The challenge in this petition is to the order of the First Appellate Authority under the Right to Information Act (R.T.I). Respondent No.1 applied to the P.I.O. for the following information:

(a) Certified photocopies of Muster Roll of all the teaching staff for the months of June 2011 and July, 2011;

(b) Certified photocopies of Pay bill in respect of all the teaching and non teaching staff for the months of June 2011 and July, 2011;

(c) Certified photocopies of Acquittance Roll/Salary Register for the months of June 2011 and July, 2011.

4. Since the information pertains to the Petitioners, the P.I.O. sought the Petitioners' consent. The Petitioners granted consent regarding the information in (a) and (b) above. However, they objected to disclosing the information at (c).

5. Accordingly, the P.I.O. furnished the information to Respondent No.1 listed at (a) and (b) above but declined the information under (c) above.

6. Respondent No.1 instituted an appeal before the First Appellate Authority, who disposed of this appeal by the impugned order dated 02.01.2013. The First Appellate Authority has not faulted the P.I.O's order but, upon noticing that the school supplied this information to the Director of Education, made the following operative order.

"I have gone through the R.T.I. application of the appellant and the appeal filed by the appellant. I have also heard the P.I.O. & gone through the reply filed by him. I agree that the information regarding 14 employees' pay and salary bills is part of the third party information. However, at the same time in case, the version of the appellant is true that the said information is given by the school to Directorate of Education, that information comes under public domain and the concerned branch of Directorate of Education is at liberty to provide the said information to the appellant in

the format it has been received by it from the school. For this appellant may like to approach concerned branches of this Directorate. I therefore, upheld the decision of the P.I.O. for not giving the third party information to the appellant but at the same time order that the concern branch of the Directorate of Education should provide the relevant information to the appellant in case the same is available with them from the school."

7. Mr Malik states that the First Appellate Authority has done indirectly what it could not have done directly. Further, he relies on *Girish Ramchandra Deshpande Vs Central Information Commissioner and others*¹ to submit that the information at (c) above would contain the income tax details of the Petitioners and such information could not be ordered to be disclosed.

8. Upon considering Mr Malik's contention and perusing the record, I think no case is made for warranting interference with the impugned order. Firstly, the Petitioners never objected to the disclosure of their pay bills. Therefore, the objection was not to disclose salary and other details. Secondly, the acquittance roll and salary register will also contain the salary details. Merely because there might be some reference to the tax deducted at source, an acquittance roll or salary register cannot be placed on par with the income tax returns filed by the assessee. *Girish Ramchandra Deshpande* (supra) refers to income tax returns and other personal information.

1 (2013) 1 SCC 212

9. For the above reasons, it cannot be said that the impugned order is in excess of jurisdiction or vitiated by perversity. Consequently, none of the parameters essential for exercising jurisdiction under Article 227 of the Constitution arise in the present matter.

10. Accordingly, this petition is dismissed. The interim order, if any, is vacated. There shall be no order for costs.

M. S. SONAK, J.

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