

DESPATCHED
On. 08/06/2020



STATE INFORMATION COMMISSION, KERALA
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Proceedings of the Appeal Petition No.1687(6)/2015/SIC
(File No.10960/SIC-Gen5/2015)

PRESENT

Vinson M. Paul, Chief Information Commissioner

Sri. Rogy Thomas ,
142-A, Pattasseril House,
(Near Seventh day Adventist Church),
Vadavathur P.O.,
Kottayam - 10.

Appellant

1. The State Public Information Officer &
P.R.O.,
Kerala University,
Thiruvananthapuram-695 034.

Respondents

2. The Appellate Authority &
Registrar,
Kerala University,
Thiruvananthapuram-695 034.

Date of application u/s 6(1)	9.3.2015
Date of reply	16.4.2015
Date of filing first Appeal	15.4.2015, 25.4.2015
Date of decision on the first Appeal	23.4.2015, 25.5.2015
Date of filing 2 nd appeal in the Commission	24.6.2015
Date of receipt of 2 nd appeal in the Commission	27.6.2015
Date of Report called for by the Commission	17.7.2015
Date of receipt of report in the Commission	1.8.2015
Date & Venue of Hearing conducted	7.2.2020, Commission Headquarters
Presence in the Hearing	SPIO Present. Appellant absent.

ORDER

Appeal Petitioner Sri. Rogy Thomas represented before the Commission that no reply was furnished by the first Respondent even after 30 days of submission of his application. Hence an appeal was filed before the second Respondent. However, an incomplete reply was received from the first Respondent on 20.4.2015. The information furnished on items 2, 3, 5, 6, 7 and 8 were unsatisfactory. Hence an appeal was filed pointing out his dissatisfaction with regard to the information furnished by the first Respondent. However, no reply was furnished by the second Respondent on the above appeal. He stated that reply was furnished by the first Respondent after filing his first appeal with a view to deny the Appellant a chance to file an appeal against incomplete information provided.

2. In his application submitted before the first Respondent, the Appellant sought the following information relating to the enquiry conducted on the petition dated 6.12.2014 filed by Dr. Binumol Tom :

- i. when was the hearing committee constituted to look into the complaint filed by Dr. Binumol Tom dated 6.12.2014.
- ii. who were the members of the hearing committee
- iii. copy of the order constituting the hearing committee
- iv. true copy of the minutes of the hearing committee which came to the conclusion that there was no plagiarism in the Ph.D thesis submitted by Smt. Sheeja K.P.
- v. copies of the consent letters received by the University from the three examiners who evaluated the Ph.D thesis titled 'an investigation into the use of timber in the temples of Central Travancore' and so on numbering to 8 items.

Reply to the above application was furnished by the first Respondent on 16.4.2015. The Appellant filed his first appeal before the second Respondent stating that no response was received by him from the first Respondent. The above appeal was disposed of by the second Respondent stating that the first Respondent had provided the information sought by the Appellant on 16.4.2015 vide letter no. 109/RTI.1/2015/PR. The Appellant filed another appeal before the second Respondent on 25.4.2015 stating that he was not satisfied with the information provided relating to items 2,3,5,6,7 and 8 in his application. The above appeal was disposed of by the second Respondent stating that his appeal was disposed on 23.4.2015. Another appeal preferred on the same subject with a different contention cannot be entertained as it would result in unending appeal and prolonged litigation.

3. On scrutinising the Appeal Petition and connected documents, the Commission finds that the Appellant had filed his first appeal dated 15.4.2015 stating that no reply was furnished by the 1st Respondent on his application. Thereafter, the Appellant received the response from the 1st Respondent. Thereupon, the Appellant preferred an appeal on 25.4.2015 raising objections relating to the reply furnished by the 1st Respondent. That should have been entertained by the 2nd Respondent as it was his proper appeal against the reply furnished by the 1st Respondent. Entertaining the above appeal would not have resulted in unending appeals and litigations. Of course, the Appellant would not have been eligible for filing further appeals thereafter. Nevertheless, the Commission does not find any deliberate lapse on the part of the 2nd Respondent in rejecting the above appeal

4. The objection of the Appellant with regard to the reply furnished by the 1st Respondent relates items 2, 3, 5, 6, 7 & 8. In item 2, the Appellant sought information as to who were the members of the hearing Committee. The information provided was that the members of the Standing Committee of

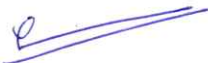
the Syndicate on Academic and Research with subject expert Dr. Ashaltha Thampuram were the members. The Commission does not find any lapse in the above reply. Nevertheless, the names of the members of the Standing Committee of the Syndicate on Academic and Research should have been furnished in this regard. The Commission directs the 1st Respondent to furnish the above to the Appellant within 15 days of receipt of this order. In item 3, the Appellant sought a copy of the order constituting the hearing committee. What was informed to the Appellant in this regard was 'not applicable'. The above reply is highly ambiguous. The SPIO who appeared before the Commission for the hearing stated that there was no specific order issued but it was only a file noting. That be the case, information to the above effect should have been provided. Similarly, a copy of the above file noting should have been provided. The Commission directs the first Respondent to provide a copy of the above file noting to the appellant free of cost within 15 days. In items 5 to 8, the Appellant is seen to have sought information relating to the examiners/evaluators. The Commission finds that the above information is protected against disclosure under section 8(1)(e) and (g) of the RTI Act and as such the Commission does not find any lapse in the above reply.

5. The Commission disposes of this appeal petition as stated above on the 7th day of February, 2020.

Sd/-

Vinson M. Paul
Chief Information Commissioner

Authenticated Copy



Additional Secretary (Law)

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