

**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**SECURITIES AND EXCHANGE BOARD OF INDIA**

**Appeal No. 5979 of 2024**

Prikshit Mishra : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

**ORDER**

1. The appellant had filed an application dated March 18, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 05, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00073) dated April 08, 2024. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal** - The appellant has filed the appeal on the ground that he was refused access to requested information. The appellant, in his appeal, has raised dissatisfaction only with respect to the reply to request nos. 1 and 2 of his application.
3. **Request nos. 1 and 2 of the application** - The appellant, vide requests nos. 1 and 2 of his application dated March 18, 2024, sought the following information:
  1. *What are the medical criteria for applying in SEBI Grade A 2024 Exam from Electrical Engineering branch?*
  2. *Are color blind eligible for final selection or will they be rejected in medical test?*
4. **Reply of the Respondent** – The respondent, in response to requests nos. 1 and 2 of the application, informed that the information sought are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as “Information” as defined u/s 2(f) of the RTI Act.
5. I have perused the requests and the response provided thereto. On consideration, I find that request no. 1 of the appellant pertaining to medical criteria for applying in SEBI Grade A 2024 Exam for Electrical

Engineering branch is very specific and hence, the response provided by the respondent does not appear to be adequate. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the aforesaid request has not been adequately addressed.

6. However, I find that the request no. 2 of the appellant is in the nature of seeking clarification/opinion from the respondent. It is understood that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. I find that the said request cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, I note that the Hon'ble Central Information Commission, in the matter of *Parvinder Singh vs. Public Information Officer under RTI* (Order dated July 19, 2021), held that, *"12. Nevertheless, Commission has gone through the case records and on the basis of proceedings observes the information sought by the appellant is clarificatory in nature and thus, doesn't qualify as information as per Section 2(f) of the RTI Act, 2005. Further, PIO is required to provide information as available with them in form of records, documents, memos, emails, opinions, advises, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, data material held in any form and not supposed to create information or interpret information in respect of clarifications, hypothetical & futuristic queries."*
7. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request no. 1 of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
8. The Appeal is accordingly disposed of.

Place: Mumbai

Date: April 24, 2024

**B RAJENDRAN**

**APPELLATE AUTHORITY UNDER THE RTI ACT  
SECURITIES AND EXCHANGE BOARD OF INDIA**