

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

Appeal No. 5501 of 2022

Harsh Patil	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 30, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00650) dated November 22, 2022. 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 access to the requested information was refused. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided with respect to query numbers 2 and 3 of his application. In view of the submissions made by the appellant in his appeal, I am only dealing with the said queries in this order.
3. **Query number 2-** The appellant, vide query number 2, sought the Mains and Interview marks of all the candidates (roll number wise) called for interview in the SEBI Recruitment 2022 for Officer Grade A in IT Stream.
4. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure in terms of sections 8(1)(g) and 8(1)(j) of the RTI Act as the same pertains to personal information of shortlisted candidates, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of the individuals and also may endanger the life or physical safety of the persons. The appellant, in his appeal, *inter alia*, submitted that he had not sought name or contact details of the candidates.
5. I have perused the query and the response provided thereto. On consideration, I agree with the response of the respondent that the requested information pertains to personal information of the shortlisted candidates and the same is exempt under section 8(1)(j) of the RTI Act. Further, I note that the disclosure of the same has no relationship to any public activity or interest and may cause unwarranted invasion into the privacy of

individuals. In this context, I note that the Hon'ble CIC, in the matter of *Siddharth Kumar Nim vs. CPIO/ Jt. Director (Law) Competition Commission of India* (order dated November 21, 2019), observed that “*As far as the RTI application is concerned, the Commission agree with the submissions of the CPIO that the information related to marks obtained by other candidates other than the appellant is purely a third party information exempted u/s 8(1)(j) of the RTI Act. Further, the contention of the CPIO is also justified that it is their matter of policy that they do not upload the marks on their website. The Commission does not find any flaw in the reply of the CPIO.*” In view of these observations, I find that no further intervention is warranted at this stage.

6. **Query number 3-** The appellant, vide query number 3, sought his answer sheet for the mains paper namely English descriptive and Coding paper.
7. The respondent, in response to the aforesaid query, informed that the online examination for recruitment of Officer Grade A was conducted by Institute of Banking Personnel Selection (Paper 1 of Phase II of Information Technology Stream) and Centre for Development of Advanced Computing (Paper II of phase II of Information Technology stream), on behalf of SEBI. The respondent also informed that the information was not shared with SEBI. Hence, the same is not available with SEBI. The appellant, in his appeal, *inter alia*, submitted that the requested information should be available with SEBI.
8. I have perused the query and the response provided thereto. I note that the respondent has informed the appellant about non-availability of the requested information/document with SEBI as the same is not shared with SEBI. In this context, I note that the Hon'ble CIC, in the matter of *Bhavesb Silawat vs CPIO, SEBI* (order dated October 28, 2022), held that “*Since the CPIO categorically stated that they have no access to the answer sheets, it is not possible to provide the same to the appellant. As far as rest of the points are concerned, appropriate replies have been given, and no further action is called for.*” In view of the same, I do not find any deficiency in the response.
9. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeal is accordingly dismissed.

Place: Mumbai

Date: December 20, 2022

ANAND BAIWAR

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