

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

Appeal No. 5157 of 2022

Yadwinder Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 27, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated June 26, 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 1, 2, 3 and 6. 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 numbers 1, 2 and 3-** The appellant, vide query numbers 1, 2 and 3, sought the following information:
 1. *Marks obtained by me in both papers of (Phase-II).*
 2. *Cut-off marks for each category to qualify for Interview Phase.*
 3. *No. of candidates qualified in Person with disability (PWD) category for interview phase.*
4. The respondent, in response to query number 1, informed that the information sought may be disclosed after the process of final selection of candidates is completed. In response to the query numbers 2 and 3, the respondent informed that the information sought may be disclosed after the process of final selection of candidates is completed, upon the receipt of specific requests under RTI. The appellant, in his appeal, *inter alia*, submitted that information pertained to exam which was already completed.

5. I have perused the queries raised and the response provided thereto. I note that the respondent had informed regarding when the requested information would be shared with the candidates. I note that the recruitment process was not over at the time of filing the application and pre-mature disclosure might have hindered the ongoing process. Accordingly, I do not find any deficiency in the response.
6. Notwithstanding the above, I note that the process of final selection of candidates has now been completed and the relevant information with respect to recruitment of Grade 'A' Officers 2022 including marks obtained by candidates/cut-off/ number of candidates selected etc. has already been published on the SEBI website under the "Results" sub-section of the "Careers" section.
7. **Query number 6-** The appellant, vide query number 6, *inter alia*, sought information as to whether SEBI has implemented the judgment dated September 28, 2021 passed by the Hon'ble Supreme Court in the matter of *Siddharaju vs. State of Karnataka*, regarding reservation in Promotion for PWDs in Grade 'A' Post.
8. The respondent, in response to the query, informed that the query is in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking "information", as defined under Section 2(f) of the RTI Act. The appellant, in his appeal, submitted that he had not sought any opinion.
9. I have perused the query and the response provided thereto. On consideration, I agree with the observation of the respondent that the query is more in the nature of seeking clarification from the respondent. I note that the respondent is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021) where similar information was sought by the appellant. The Hon'ble CIC, in the said matter, observe that "7. The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/opinion/advice/confirmation/clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advice can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him." In view of these observations, I find

that the said query cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Accordingly, I do not find any deficiency in the response.

10. 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: July 22, 2022

ANAND BAIWAR

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