

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

**Appeal No. 5903 of 2024**

|                    |    |            |
|--------------------|----|------------|
| B Nagesh           | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated December 30, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 23, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00014) dated January 31, 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 information provided was incomplete, misleading or false information. The appellant in his appeal has requested for reconsideration of his requests nos. 1 to 7 of the application.
3. **Request No. 1 of the application** - The appellant vide request no.1 sought information regarding “*Allocated/ Approved Strength for General stream from Grade A Officer to Grade F Officer.(On your reply date)*”
4. **Reply of the Respondent** – In response to the aforesaid request, the respondent informed the appellant that the sanctioned strength is determined from time to time as per manpower requirements and work exigencies. Vacancies arise due to promotions, resignations and retirements of employees. SEBI undertakes recruitment and promotion exercise periodically to fill up the vacancies.
5. I have perused the aforesaid request and the response provided thereto. On consideration, I find that the aforesaid request of the appellant 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. **Request Nos. 2 - 6 of the application.** The appellant vide request nos. 2- 6 sought the following information:

*“2. Number of posts filled as of the latest available date from Grade A Officer to Grade F Officer.*

*3. Number of recruitments that have taken place since 2010, with links to the respective recruitment notifications.*

*For Notifications after 2017 for General Stream:*

*4. Grade A officer of General stream Vacancy details notified in each notification.*

*5. Number of applications received for Grade A General stream Officer from candidates in each category (General, OBC, EWS, SC, ST).*

*6. Number of candidates qualified Grade A General stream Officer in Phase 1, Phase 2, and Interview from each category.”*

7. **Reply of the Respondent** - In response to request no. 2, the respondent informed that the information sought is available on SEBI website under “Directory of SEBI Employees” section. In response to the request nos. 3 - 6, the respondent informed that the information related to recruitment exercises conducted by SEBI are available on SEBI website under “Careers” section.
8. I have perused the aforesaid requests and the response provided thereto. I note that the respondent has informed the appellant that the information sought is available on SEBI website and has also provided the path to access the said information on the website. On consideration, I find that the information sought is in public domain. Further, reliance is placed on Hon’ble Central Information Commission (hereinafter referred to as “CIC”) order dated December 22, 2022, in the matter of *Kul Bhushan Jain vs. CPIO, SEBI*, wherein it was observed that “*The Commission noted that the reply given by the CPIO was appropriate as he first quoted the relevant notifications with their dates -8th June 2018 and 30<sup>th</sup> November 2018. He also informed the appellant that these gazette notification are available on the SEBI website. A link was also given to access the same. The FAA quoted certain court rulings which state that once the information is available on a website, it is in public domain and no longer held or under the control of the public authority. The FAA had also stated that the link was provided to access the information and the link is active. The same was reiterated vide the written submissions dated 16.2.2022 which was also endorsed to the appellant. The Commission is in agreement with the submissions advanced by the Representative of the CPIO. From the submissions, it is abundantly clear that the information is available on the given website and hyper link..... Therefore, no further action is warranted in the present case.*” In view of these

observations, I find that the respondent cannot be obliged to provide documents, which is already available in the public domain.

9. **Request No. 7 of the application** - The appellant vide request no. 7 sought information regarding *“Number of applications received Grade A General stream Officer from candidates with backgrounds in CA/CMA, MBA, Engineering, and others.”*
10. **Reply of the Respondent** - The respondent, in response to the aforesaid request, informed that the information sought is maintained in separate individual files, placed at multiple locations across SEBI and collating the same for providing response to the said request would disproportionately divert the resources of the public authority in terms of section 7(9) of the RTI Act.
11. I have perused the aforesaid request and the response provided thereto. I note that the requested information is not readily available with the respondent in the manner as sought by the appellant and that the respondent would be required to analyse and collate the information. In my opinion, analysing and collating would disproportionately divert the resources of SEBI and would defeat ‘the practical regime of right to information’ as envisaged in the preamble of the RTI Act. In this context, I note that the Hon’ble CIC, in the matter of *Mr. Deepak Girdhar vs. CPIO, SEBI* (Order dated March 30, 2021), observed that *“6. The Commission, after hearing the submissions of the respondent and after perusal of records, observes that the information sought by the appellant is voluminous in nature and may not be readily available with the CPIO in the manner as sought by the appellant, collating and compiling of which would disproportionately divert the resources of the respondent organization. Hence, the disclosure of information is exempted as per Section 7(9) of the RTI Act.”* In view of these observations, I do not find any deficiency in the response.
12. Considering the above observations, I remit the application to the respondent for de novo consideration of request no. 1 and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
13. The Appeal is accordingly disposed of.

Place: Mumbai

Date: February 8, 2024

**B RAJENDRAN**

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