

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

Appeal No. 6383 of 2025

Dheeraj Kumar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 21, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 08, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00089) dated May 08, 2025. 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. **Queries in the application** - The appellant, in his application dated April 21, 2025, sought the following information:

“I am filing this RTI due to non disclosure of obtained marks in aforementioned examination whereby I was appeared till Phase 2 Examination. I am candidate of aforementioned examination bearing Registration No. XXXXX1528 and Roll No. XXXXXXXX541 (Phase II IT Stream). Despite result of Phase 2 has been published on 10 and 11 Oct 2024 and also Merit List and List of Selected Candidates have been uploaded in Jan 2025, SEBI has not shown transparency and fair competitive rights in this examination. So, I Therefore request you to provide following information as below mentioned:-

- 1. Marks Obtained by Me (Dheeraj Kumar) in all appeared phase and section wise marks*
- 2. Cutoff of IT Stream Phase 2 (Both Paper)for each Category*
- 3. Cutoff of other than IT Stream Phase 2 (Both Paper) for each Category*

4. Cutoff and Highest Marks of Interview Marks obtained by Candidates in Each Category”

3. **Reply of the Respondent** –The respondent, in response to queries in the application, informed that the information sought is available on SEBI website under “careers” section. The respondent also provided the link for accessing the requested information.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information. The appellant, in his appeal, has contended that providing links is not acceptable way of transmitting information requested under the RTI Act. The appellant has also submitted that the CPIO had not provided point wise reply to his RTI application.
5. I have perused the application and the response provided thereto. On consideration, I find that the requested information is available on SEBI website and hence, is in the public domain. Further, the respondent, in his reply, has provided the links for accessing the requested information from SEBI website. I also note that the said links are active. In this regard, the Hon’ble Delhi High Court, in the matter of *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* and the Hon’ble Central Information Commission (CIC), in the matter of *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007), *inter alia*, observed that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Further, Hon’ble CIC in the matter of *Kul Bhushan Jain vs. CPIO, SEBI* (Order dated December 22, 2022) 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 30th 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.*” Accordingly, I do not find any deficiency in the response of the respondent.

6. 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: June 03, 2025

RUCHI CHOJER

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