

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

Appeal No. 5876 of 2024

Ashpak Shahajahan Mulani	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 09, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 22, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00257) dated December 22, 2023. 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. **Requests made in the application** –The appellant, vide his application dated December 09, 2023 sought the following information:

“Kindly provide me the answer sheet , score card and the answer key with question paper of the examination EXAMINATION FOR RECRUITMENT OF OFFICER GRADE A LEGAL PHASE 1. Which was held on Saturday 05.08.2023. Roll no. 43...00. Password 51...8. Stream. Legal , Name Ashpak Shabajahan Mulani”
3. **Reply of the Respondent** - The respondent in response to the application informed that the information sought regarding score in the Phase I examination is available on SEBI website under “Results” sub-section under “Careers” section. Further, with respect to information sought regarding answer sheet and the answer key with question paper, the respondent informed that the online examination for recruitment of Officer Grade A is conducted on behalf of SEBI by Institute of Banking Personnel Selection, which is an autonomous body. As the information sought by appellant was not shared with SEBI, the same is not available with SEBI.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. I note that the appellant in his application has sought answer sheet, score card and the answer key with question paper pertaining to Recruitment of Officers Grade 'A' (Assistant Manager) in Legal Stream, Phase I exam held on August 05, 2023. As regard request pertaining to score card, I note that the respondent has adequately guided the appellant to access the said information on SEBI website. As regard the remaining requests pertaining to answer sheet and answer key with question paper, the respondent has categorically informed the appellant that the same is not available with SEBI, as the same was not shared by Institute of Banking Personal Selection, an autonomous body, which conducts the said exam on behalf of SEBI. In this context, I note that the Hon'ble Central Information Commission, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that "*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*" Accordingly, I do not find any deficiency in the response.
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: January 8, 2024

B RAJENDRAN

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