

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

Appeal No.6209 of 2024

Kumar Bhaskar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 09, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 26, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated August 23, 2024, with respect to which an order dated September 20, 2024 (in Appeal No. 6123 of 2024) (hereinafter referred to as “**FAA Order**”) was passed by this forum, directing the respondent to reconsider the application of the appellant. Thereafter, the respondent issued a letter dated September 30, 2024. The appellant has now filed an appeal dated October 15, 2024 for non-compliance of the said order dated September 20, 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. I note that the appellant in his application dated July 09, 2024 sought the following information:

“ 1. *Question paper for the year 2023-2024, SEBI Grade A exam (Legal)- Phase I.*

2. *Question paper for the year 2023-2024, SEBI Grade A exam (Legal)- Phase II.*

3. *Question paper for the year 2022-2023, SEBI Grade A exam (Legal)- Phase I.*

4. *Question paper for the year 2022-2023, SEBI Grade A exam (Legal)- Phase II.*”
3. The respondent, vide letter dated September 30, 2024, informed that the online examination for recruitment of SEBI Grade ‘A’ Officer is conducted by Institute of Banking Personnel Selection (hereinafter referred to as “**IBPS**”), which is an autonomous body, who does not share question papers

with Securities and Exchange Board of India (hereinafter referred to as “SEBI”). Hence, the information sought is not available with SEBI.

4. **Ground of Appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, has submitted that SEBI must collect the information from IBPS and then provide it to him. I note that the appellant in support of his submissions has placed reliance on the certain orders of Hon’ble Central Information Commission (hereinafter defined as ‘CIC’) in the matters pertaining to *CPIO, Reserve Bank of India, CPIO, Central University of Kerala* and *CPIO, SEBI*.
5. On consideration, I note that the respondent has categorically stated that the question papers are not shared by IBPS, which is an autonomous body, with SEBI. I note that the facts and circumstances of the instant case are distinguishable from the CIC order pertaining to *CPIO, Reserve Bank of India*, cited by the appellant. As regards the orders of CIC pertaining to *CPIO, Central University of Kerala* and *CPIO, SEBI*, cited by the appellant, I note that in compliance with CIC order in *Neeraj Salodkar v. CPIO, SEBI* (Date of Decision: 27.12.2022), SEBI has issued a compliance letter dated January 13, 2023 stating that as per IBPS’s existing practice/policy, question papers cannot be shared. Further, it is pertinent to note that Hon’ble CIC in a similar matter in *Abhijit Bhimgonda Bhikkappa Patil vs. CPIO, SEBI* (Date of Decision: 27.12.2022), has said “*it is appreciated that the respondent is not the custodian of the information and is unable to access the same, therefore, no further information could be given.*”
6. In view of the above observations, I am of the opinion that the respondent had sent an appropriate response to the appellant in compliance with the FAA Order. The appeal is accordingly dismissed.

Place: Mumbai

Date: November 19, 2024

RUCHI CHOJER

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