

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

Appeal No. 5026 of 2022

Abhinav Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 11, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 26, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 29, 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. The appellant, in his appeal, reiterated the queries raised in his application. Accordingly, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Query number 1 and 3-** The appellant, vide query numbers 1 and 3, sought the following information:
 - 1. I would like to know the process of evaluation of descriptive paper (in phase 2), is it by a software system or checked by an expert.*
 - 3. If a EWS category candidate got more marks than a unreserved category candidate whether he /she would be included in unreserved category after phase 2 stage of the examination.*
4. The respondent, in response to the aforesaid queries, informed that the queries are 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.
5. I have perused the queries and the response provided thereto. On consideration, I find that the queries of the appellant are in the nature of seeking clarification/opinion from the respondent. I note that the respondent is not supposed to create information; or to interpret information; or to furnish clarification

to the appellant under the ambit of the RTI Act. I find that the said queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or opinion under the RTI Act. In this context, reference is made to the matter of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: "... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...". Accordingly, I do not find any deficiency in the response.

6. **Query number 2-** The appellant, vide query number 2, sought the following information:

2. How many candidates of EWS category got selected after phase 2 of SEBI GRADE A examination.

7. The respondent, in response to the aforesaid query, 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 Act.
8. I have perused the query and the response provided thereto. I note that the respondent informed regarding when the requested information will be shared with the candidates. I note that the recruitment process is not over and pre-mature disclosure might hinder the ongoing process. Accordingly, I do not find any deficiency in the response.

9. **Query number 4-** The appellant, vide query number 4, sought the following information:

4. I would like to know the marks of the candidates selected after phase 2 in EWS category and unreserved category in descending order.

10. The respondent, in response to the aforesaid query, informed that the requested information is exempt from disclosure in terms of section 8(1)(j) of the RTI Act as the same relates to personal information, the disclosure of which has no relationship to any public activity or interests and may cause unwarranted invasion into the privacy of the individual.
11. I have perused the query and the response provided thereto. On consideration, I am of the opinion that the information sought by the appellant relates to marks obtained by other candidates in the recruitment

process. In this regard, the Hon'ble CIC, in *Shri Sanjay Verma v. Union Public Service Commission* (Decision No. CIC/CC/A/2014/002971/SB dated December 28, 2015) held that "...the information sought vide point nos. 2 and 5 of the RTI application relates to marks obtained by other candidates in the written examination. Thus, the information sought is 'personal information' related to a third party, the disclosure of which has no relationship to any public activity or interest. Hence, the disclosure of such information is exempted under Section 8(1)(j) of the RTI Act." In view of these observations, I do not find any deficiency in the response.

12. 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: May 27, 2022

ANAND BAIWAR

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