

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

Appeal No. 6309 of 2025

Vignesh A : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated January 06, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 24, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00026) dated January 29, 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. **Query in the application** - The appellant, in his application dated January 06, 2025, sought the following information:

“1) Please provide Phase 2 marks(Paper 1 and Paper 2 separately), Interview marks along with their respective roll numbers of all the 186 candidates who have appeared for SEBI Grade A-General Stream 2024 Interview.”
3. **Reply of the Respondent** - The respondent, in response to query in the application, informed that the information sought relates to personal information of aspirants, the disclosure of which has no relation to any public activity or interest. In view of the above, the information sought is exempt u/s 8(1)(j) of the RTI Act.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that the he was refused access to information requested.

5. I have perused the application and the response provided thereto. I note that the information sought by appellant regarding phase 2 marks of candidates who had appeared for SEBI Grade A-General Stream interview, 2024 was denied by the respondent under Section 8(1)(j) of the RTI Act. In this regard, I find it pertinent to note that Hon'ble Bombay High Court in *Shri Onkar Dattatray Kalmanekar vs. PIO, Registrar, District and Session Court, Pune and Ors.* (Writ Petition No.9648 OF 2021) dated 11.11.2024), wherein petitioner has sought marks obtained by other candidates in written test, interview and typing tests in the recruitment process of Junior Clerks in District Court, Pune, has held:

"....27. In this case, we are concerned with a selection process for the post of Junior Clerk in the District Court at Pune. Essentially, this is a process by which applications were invited from all eligible candidates by issuing a public advertisement. In that sense, this public process must be transparent and above board. The marks obtained by the candidates in such a selection process cannot ordinarily be held to be "personal information, the disclosure of which has no relationship to any public activity or interest". Furnishing such information would also not cause an unwarranted invasion of the individual's privacy.

28. The legislature has not exempted all personal information under Section 8(1)(j) but only such personal information, the disclosure of which has no relationship to any public activity or interest. **Since the selection process for Junior Clerks at the District Court in Pune was essentially a public activity which commenced with public advertisement inviting applications from eligible candidates, we do not think that the disclosure of marks obtained by the candidates participating in such a process would amount to personal information, the disclosure of which has no relationship to any public activity or interest. Given that such selection processes must be transparent and above board, it would be in the public interest to disclose such information rather than withhold it and allow any doubts about the process (however unjustified such doubts may be) to linger.**

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51. Since we have found that the disclosure of the marks obtained by the candidates in the written test, typing test and interviewers did not constitute any exempted information or did not affect the confidentiality of the exam so conducted, we must say that the approach of the District authorities in Wardha contributed to the promotion of transparency which should typically be promoted in matters of public recruitment. Withholding such information unnecessarily allows doubts, however unreasonable, to linger, which is not very healthy in promoting transparency and accountability in the working of public authorities and public recruitment processes. Regarding RTI, it is repeatedly asserted that sunlight is the best disinfectant. **(emphasis supplied)**"

6. The Hon'ble Bombay High Court in the above mentioned judgement concluded that:

“52. Therefore, though the Wardha disclosure may not be binding precedents, we still think there was nothing wrong with the District Authorities at Wardha making such disclosures. By making such disclosures, the district authorities at Wardha cannot be said to have breached or acted in ignorance of the provisions in Section 8(1)(j) and Section 11 of the RTI Act or Rule 13(e) of the Maharashtra District Courts Right to Information (Revised Rules) 2009 or instructions no.19 issued to the candidates in the advertisement inviting applications for recruitment to the post of Junior Clerk.

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54. For all the above reasons, we partly allow this petition and set aside the impugned orders to the extent that they denied the petitioner disclosure of marks secured by him and the candidates from 1 to 363 in the written/screening test, Marathi and English typing test, and interview for the recruitment process for Junior Clerk at Pune District Court.

55. Further, We Direct the concerned respondents to furnish the petitioner with the marks obtained by candidates 1 to 363 in the written/screening test, Marathi and English typing test, and interview for the recruitment process for Junior Clerk at Pune District Court within six weeks of the Petitioner depositing the necessary costs with the PIO.”

7. Moreover, the Hon’ble Supreme Court, vide Order dated February 07, 2025, has upheld the above mentioned judgement of Hon’ble Bombay High Court in appeal. The Hon’ble Supreme Court has held that:

“The issue relates to disclosure of marks of other candidate in an examination. We are also of the view that the disclosure of the marks though may fall in the category of personal information, yet the disclosure of this personal information is presently necessary in public interest, and therefore, it is not an information which cannot be given by the Information Officer under the RTI Act, 2005. To the contrary, such an information must be disclosed in order to maintain transparency in the process.”

8. Further, in a similar matter in *Abhimanyu Sasi Pavoor vs. CPIO, Regional Manager CRM/PS/CPIO, LIC of India, Southern Zonal Office* (Date of Decision: December 30, 2024), Hon’ble Central Information Commission (CIC), relying on paragraphs 27, 28 and 52 of the above judgement of Hon’ble Bombay High Court, has directed Life Insurance Corporation of India to disclose, *inter alia*, marks obtained by candidates selected for Apprentice Development Officer(ADO), 2023.
9. Considering the aforementioned decisions, I find that the denial of information sought in the instant matter under section 8(1)(j) of the RTI Act is not justified. Accordingly, it would be appropriate to remit the application to the respondent for *de novo* consideration of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.

10. The Appeal is accordingly disposed of.

Place: Mumbai

Date: February 25, 2025

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