

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

Appeal No. 5081 of 2022

Akash Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 13, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 10, 2022 responded to the application filed by the appellant. The appellant filed an appeal dated June 01, 2022, against the said response dated April 28, 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. **Queries in the application** –The appellant, vide his application dated April 13, 2022, sought the following information:
 1. *Do the SEBI provide the question paper and the answer key of the exam conducted by the SEBI i.e. Recruitment of Officer Grade A (Assistant Manager) - General Stream, Legal Stream, Information Technology Stream, Research Stream And Official Language Stream?*
 2. *If No, then why not?*
 3. *Since the above recruitment process is purely online, so is there any mechanism for the candidates to know what responses he/she has filled in the PHASE 1 and PHASE 2 of the above mentioned recruitment exams? if no, then why not?*
 4. *As of today how many vacancies of Officer Grade A (Assistant Manager) streamwise is there in SEBI and is there any recruitment exercise anticipated regarding the same, in 2021 and 2022.*
3. The respondent, in response to the query numbers 1, 2 and 3, 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. However, the respondent informed that the online examination for recruitment of Officer Grade A was conducted by the Institute of Banking Personnel Selection, which is an autonomous body, on behalf of SEBI. Hence, the information sought by the appellant was not shared with SEBI. It was further informed that the information was not available with SEBI. In response to query

number 4, the respondent informed that the detailed advertisement dated January 05, 2022 pertaining to recruitment of SEBI Officer Grade A, was available on the SEBI website. The respondent also informed that no advertisement with respect to recruitment of SEBI Grade A (Assistant Manager) was issued in 2021.

4. **Ground of appeal-** The appellant has not mentioned any specific ground for filing the appeal. The appellant, in his appeal, *inter alia*, submitted that the questions raised by him are not merely seeking clarification but pertains to transparency in the recruitment process.
5. **Query numbers 1, 2 and 3-** I have perused the queries and the response provided thereto. On consideration, I agree with the observation of the respondent that the said 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. 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. 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. Accordingly, I do not find any deficiency in the response.
6. Notwithstanding the above, I note that the respondent has informed the appellant about non-availability of the requested information with SEBI as the same is not shared with SEBI. In view of the same, no further intervention is warranted.
7. **Query number 4-** I have perused the query and the response provided thereto. I am of the opinion that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
8. 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 29, 2022

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