

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

Appeal No.5339 of 2022

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

ORDER

1. The appellant had filed an application dated July 09, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 04, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00501) dated August 05, 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. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided with respect to query numbers 1, 2, 3, 4 and 5. The appellant, in his appeal, requested to provide correct details as per his request. In view of the submission made by the appellant. I am only dealing with the said queries and the response provided by the respondent, in this order.
3. **Query numbers 1, 2, 3, 4 and 5**- The appellant, vide said queries in his application dated July 09, 2022, sought the following information:

- 1. What is the criteria on the basis of which interviewers of sebi grade A (Assistant Manager) awarded marks to candidates in interview conducted in 2022 ?*
- 2. What are the comments and criteria wise marks given in SEBI grade A interview 2022 to Roll No. 1.....27 ?*
- 3. Was any one from reserved community part of the interview panel for SEBI Grade A interview held in 2022?*
- 4. If yes, were any adverse comments/ remarks recorded by that member or not ?*
- 5. If no, why no member from reserved community was part of interview panel for interview held in 2022 ?*

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. However, the respondent informed that the information regarding marks obtained in the interview if available on the SEBI website under “Results” sub-section under “Careers” section.
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. 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...*”. 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.
6. Notwithstanding the above, I note that the respondent has guided the appellant to access the marks obtained by him, which is available on the SEBI website. In view of the same, I do not find any deficiency in the response.
7. 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: September 01, 2022

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