

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

Appeal No. 5421 of 2022

Vineet Manchanda	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 02, 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 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00597) dated September 21, 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 August 02, 2022, *inter alia*, sought information regarding whether SEBI is providing age relaxation to a person with a benchmark disability having a disability certificate issued under the category of blood disorder in various recruitment examinations conducted by it as per sub-section 3 of section 34 of The Rights of Persons with Disabilities Act, 2016. The appellant also sought reason in case SEBI is not providing age relaxation to the said category of benchmark disability. Further, the appellant attached copy of his disability certificate along with the application.
3. The respondent, in response to the aforesaid query, informed that the query is 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.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant also sought reason for inconsistency in the relaxation to blood disorder category of benchmark disability provided by SEBI during the recruitment notification released in 2020 and 2022.

5. I have perused the query and the response provided thereto. On consideration, I find that the query of the appellant is in the nature of seeking clarification/confirmation/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. In view of these observations, I find that the said query 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 any information regarding recruitment, including relaxations provided to persons with Benchmark Disabilities, is available on the SEBI website, which is in public domain.
7. Further, I note that the appellant, in his appeal, *inter alia*, sought reason for inconsistency in the relaxation to blood disorder category of benchmark disability provided by SEBI during the recruitment notification released in 2020 and 2022. I find that this query was raised for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said request does not warrant consideration at this stage.
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: October 17, 2022

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