

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

Appeal No. 5549 of 2022

Manish Singla	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 15, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 28, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00683) dated December 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. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to query number 1. In view of the submissions made by the appellant, I am only dealing with the said query and the response provided thereto, in the following paragraphs.
3. **Query number 1-** The appellant, vide query number 1 in his application, sought the following information.

“1. I want to know my marks distribution in each question in English descriptive paper of phase 2.”

4. The respondent, in response to the aforesaid query, informed that the online examination for recruitment of Officer Grade A (except paper 2 of phase II) was conducted by Institute of Banking Personnel Selection, which is an autonomous body, on behalf of SEBI. The information sought by the appellant was not shared with SEBI. Hence, the information sought is not available with SEBI. The appellant, in his appeal, requested to demand the English descriptive marks (question wise) from IBPS and provide the same to the appellant.

5. 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. Further, I note that the total marks scored by the appellant in the English descriptive paper, as shared by IBPS, had already been uploaded on the SEBI website. In this regard, I note that the Hon'ble CIC, in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." In view of these observations, I do not find any deficiency in the response.
6. 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: January 27, 2023

ANAND BAIWAR

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