

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

Appeal No. 7047 of 2026

Sachin Yadav : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated July 16, 2026 (received by SEBI through RTI MIS portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 13, 2026, responded to the application filed by the appellant. The appellant filed an appeal dated August 16, 2026 (Reg. No. SEBIH/A/E/26/00313). I have perused the application, the response of the respondent 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 he was refused access to the information requested.
3. **Query nos. 1 and 2 in the application** - The appellant, vide the aforementioned queries in his application, sought the following information:
 1. *Provide a certified copy of the candidate-wise score/ mark record relating to my candidature, showing separately: (a) Phase II legal objective marks; (b) marks in the Phase II Legal Descriptive paper; (c) marks in the English Descriptive paper, if it formed part of the recorded evaluation; (d) experience marks, if any; (e) interview marks; (f) aggregate/ weighted total; and (g) final selection status.*
 2. *Provide my question-wise response sheet/ candidate response record for the Phase II Legal Objective paper, including the question identifier/ number, option selected/ response recorded, correct answer/ key used for evaluation, and marks awarded or deducted question-wise, to the extent maintained in the records.*

4. **Reply of the Respondent** – The respondent, in response to query no. 1 in the application, informed that the relevant information pertaining to SEBI Recruitment Exercise 2025 has been published on SEBI website. The respondent also provided the link for accessing marks obtained by candidates in Phase II examination and interview. Further, respondent provided the marks secured by the appellant in paper 2 (Legal Objective and Legal Descriptive) of Phase II along with his response.

With regard to query no. 2, the respondent provided copy of the response sheet (answer marked by Roll No. 2561000704) and Right answer keys for the post of Officer 'A' (Assistant Manager) 2025 Legal Stream- Phase II exam (Paper 2).

5. I have perused the queries and the response provided thereto. With regard to query no.1, I note that the marks in the English Descriptive paper, interview marks, aggregate/weighted total; and final selection status can be accessed by the appellant from SEBI website. Further, respondent provided the marks secured by the appellant in paper 2 (Legal Objective and Legal Descriptive) of Phase II along with his response. Accordingly, I find that no further intervention of this forum is warranted.
6. With regard to query no.2, the respondent had provided a copy of the response sheet and correct answer key to the respondent. Accordingly, I find that the query has been adequately addressed.
7. **Query nos. 3 and 4 in the application-** The appellant, vide the aforementioned queries in his application, sought the following information:

“3. Provide a certified copy of my evaluated Legal Descriptive answer script/ response file, including all pages/ answers, annotations, comments, markings and question-wise marks recorded by the evaluator(s). Personal identifiers, signatures or codes of evaluators may be severed under Section 10, if considered exempt.

4. Provide a certified copy of my evaluated English Descriptive answer script/ response file, if such script was evaluated and is retained, including annotations, comments, markings and question-wise marks. Personal identifiers, signatures or codes of evaluators may be severed under Section 10, if considered exempt.”

8. **Reply of the Respondent** – With regard to query nos. 3 & 4, the respondent informed that the online examination for recruitment of SEBI Grade A Officer is conducted by Institute of Banking Personnel Selection (IBPS – which is an autonomous body) within the terms of MoU as per which only IBPS is in possession of copies of evaluated descriptive papers, which is not shared with SEBI. Hence, the same is not available with SEBI.

9. I have perused the queries and the response provided thereto. With regard to query nos. 3 and 4, I note that the respondent has stated that as per MOU, only IBPS is in possession of copies of evaluated descriptive paper, and the same is not shared with SEBI. Hence, the respondent has stated that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, reliance is placed on the decision of Hon'ble Central Information Commission (CIC) in the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023), wherein it was observed that *"It is an established law that the information sought for in order to be disclosable under the RTI Act, 2005 must be existent and available in the records..... In the instant case, the desired information was not available in the records of the respondent authority"* Accordingly, I do not find any deficiency in the response of the respondent.

10. **Query nos. 5, 6, 7, 8, 11 and 12-** The appellant, vide aforementioned queries in his application, sought the following information:

"5. Provide certified copies/ extracts of the interview assessment record relating to my candidature, including the interview score sheet, criterion/parameter-wise marks, assessment/ evaluation form and the final interview marks recorded. Names, signatures and personal identifiers of interview-board members may be severed under Section 10, while supplying the remaining record.

6. Provide the document/ record/ data in which experience marks (if any) allotted to me have been clearly recorded, including any sheet, evaluation form, or consolidated merit list where such experience marks are shown against my name/ roll number/ registration number.

7. Provide a certified copy of the rule, approved criteria, office note, policy, matrix or other record prescribing eligibility for and computation/ distribution of experience marks for candidates in the Legal Stream in this recruitment exercise, including the maximum marks and the manner in which length/ nature of experience was converted into marks.

8. Provide certified copies of the approved examination and selection scheme applicable to the Legal Stream, showing the maximum marks, qualifying marks/ cut-offs, sectional cut-offs, weightage assigned to each Phase II paper, experience and interview, and the formula/ method used for preparation of the final merit list.

11. Provide copies/ extracts of records, reports, electronic files, letters or emails received by SEBI from IBPS or any other engaged recruiting/ examination agency that contain or transmit my responses, evaluated marks, component-wise scores, experience marks, interview marks or final result. Information relating to other candidates may be severed under Section 10 of the Act.

12. Provide the name of the recruiting/examination agency or agencies engaged for conduct, evaluation, processing or compilation of the Phase II examination and result for the Legal Stream, along with a copy/extract of the work order, agreement, scope of work or instructions that specify responsibility for custody, retention and supply of candidate response sheets, answer scripts and mark data. Commercially sensitive portions, if any, may be severed while supplying the relevant clauses."

11. **Reply of the Respondent** – With regard to query nos. 5, 6, 7, 8, 11 and 12, the respondent informed that the information sought pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI. In view of the same, the information sought is exempt u/s 8(1)(a) of the RTI Act. Notwithstanding the aforesaid, the respondent informed that relevant information pertaining to SEBI Recruitment Exercise 2025 has been published on SEBI website. Additionally, with regard to query nos. 11 and 12, the respondent also informed that the online examination for recruitment of SEBI is Grade A Officer is conducted by Institute of Banking Personnel Selection (IBPS – which is an autonomous body) within the terms of MoU as per which the MoU cannot be shared with third party in any form.
12. I have perused the queries and the response provided thereto. With regard to the interview marks sought vide query no. 5, I note that same is available on SEBI website. I also note that respondent had provided the link for accessing “Marks obtained by candidates in Phase II examination and interview” in response to query no. 1. With regard to query no. 8, I note that maximum marks, qualifying marks/cut-offs, sectional cut-offs, weightage assigned to each Phase II paper, interview marks etc. are made available on SEBI website. Accordingly, I find that no further intervention of the forum in this regard is necessary.
13. With regard to query nos. 6 and 7, I concur with the response of the respondent that the information sought pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI. In this context, I note that in *ICAI v. Shaanak H. Satya*, [(2011) 8 SCC 781], the Hon'ble Supreme Court held that: - *"The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources."* In view of these observations, I concur with the response of the respondent that the requested information is exempt from disclosure under section 8(1)(a) of the RTI Act. Accordingly, I do not find any deficiency in the response of the respondent.

14. With regard to response sheets and evaluated marks sought vide query no.11, I note that vide query no. 2, the respondent had already provided the response sheet of the appellant. Further, as already stated, marks obtained by the appellant and selection status can be accessed by the appellant from the SEBI website. Accordingly, I find that no further intervention of this forum is required in this regard.
15. With regard to query no. 12, I note that the respondent had informed that the online examination for recruitment of SEBI Grade A Officer is conducted by Institute of Banking Personnel Selection (IBPS – which is an autonomous body) within the terms of MoU, as per which MoU cannot be shared with the third party. Accordingly, I do not find any deficiency in the response of the respondent.
16. **Query no. 9 in the application** – The appellant, vide query no. 9 in the application, sought the following information:
- “9. Provide a certified copy of the record containing the normalization, equating, scaling, moderation or rounding-off policy/formula actually applied, if any, to any paper or component of this recruitment. If none was applied, provide the existing record that reflects this position.”*
17. **Reply of the Respondent** – The respondent informed that the query is not specific and also in the nature of seeking clarification. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act.
18. I have perused the query and the response provided thereto. With regard to query no. 9, I concur with the response of the respondent that the query is vague and is not specific. In this context, I note that Hon’ble CIC in its’ decision in *Naresh Kadyan vs. CPIO* (14.06.2023 - CIC: MANU/CI/0366/2023), held that “.....*the Commission after scrutinizing the contents of RTI Application in question is of the considered view that the queries raised by the Complainant are vague and indeterminate which concededly do not conform to Section 2(f) of RTI Act per se. In this regard, the Complainant shall note that the outstretching the interpretation of Section 2(f) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to penal provisions under the RTI Act...*” In view of the aforesaid, I do not find any deficiency in the response of the respondent.
19. **Query no. 10 in the application-** The appellant, vide aforementioned query in his application, sought the following information:

“10. Provide the category-wise and unreserved cut-off marks actually applied at each relevant stage for the Legal Stream, namely: (a) qualification from Phase II to interview; and (b) final selection, together with the record in which such cut-offs were approved or recorded.”

20. **Reply of the Respondent** – With regard to query no. 10, the respondent informed that the relevant information pertaining to SEBI Recruitment Exercise 2025 has been published on SEBI website.

21. I have perused the query and the response provided thereto. On consideration, I note that the respondent has informed that the requested information regarding cut-off marks is available on SEBI website. Hence, I find that the requested information is in the public domain. In this context, I note that the Hon'ble Delhi High Court in *Registrar of Companies & ors. Vs. Dharmendra Kumar Garg & anr.* and the Hon'ble CIC in *Shri K Lall vs. Shri MK Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Accordingly, I do not find any deficiency in the said response of the respondent.

22. **Query nos. 13 and 14 in the application** – The appellant, vide aforementioned queries in his application, sought the following information:

“13. Provide the applicable record-retention schedule/instructions for candidate response sheets, descriptive answer scripts, evaluation records, interview score sheets and mark/result data for this recruitment exercise, specifying the retention period for each category of record.

14.If any record sought above is stated to be unavailable, deleted, weeded out or destroyed, provide a certified copy of the record authorising and recording such deletion/ destruction, including the date, applicable retention rule and approval/ order under which it was done. If no such record exists, state that fact clearly.”

23. **Reply of the Respondent** – The respondent informed that the queries are in the nature of seeking clarification. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act.

24. I have perused the queries and the response provided thereto. On consideration I concur with the response of the respondent that the query nos. 13 and 14 are in the nature of seeking clarification. 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 under the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order

dated March 23, 2021) wherein Hon'ble CIC observed that "7. *The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him.*" Accordingly, I do not find any deficiency in the response of the respondent.

25. 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 11, 2026

RUCHI CHOJER

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