

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the Right to Information Act, 2005)
The Institute of Company Secretaries of India
ICSI House, C-36, Institutional Area, Sector-62,
Noida - 201 309 (U.P.)

Appeal No. 107/2022

IN THE MATTER OF:

Ravi Sachan
8 B Gopal Nagar
Behind Tempo Stand
Kanpur Nagar-208011
Uttar Pradesh

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House
22, Institutional Area, Lodi Road
New Delhi - 110 003

Respondent

Date of Order: 13th January, 2023

ORDER

1. The Appellant has filed first appeal on 15.12.2022 under Section 19(1) of the Right to Information Act, 2005 in connection with response Ref. No. RTI 2005/5298(22) dated 22.04.2022 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his application dated 17.11.2022 has requested to provide copy of question papers answer sheets and answer key for the post of Executive Academic, Executive Finance & Accounts and Executive Internal Audit.
3. The Appellant has informed in the instant appeals that "Refused access to Information Requested". Further, Appellant has requested to provide question papers of all three examinations.
4. The reply of the Respondent against the instant appeal is as under: -

"It is to inform that OMR Sheets of RTI applicant (Appellant herein) and answer keys for the recruitment exams for the posts of Executive (Academic), Executive (Finance & Accounts) and Executive (Internal Audit) has already been provided.

Further, w.r.t. question papers for the recruitment exams for the posts of Executive (Academic), Executive (Finance & Accounts) and Executive (Internal Audit), it is necessary to mention that at the time of examination, the Institute had already mentioned in question paper(s) that the same has to be returned before leaving the examination hall and all the candidates agreed to return the same by considering it as intellectual property of the Institute and the disclosure of which would harm the competitive position of the Institute and the requisite information is also not in larger public interest.

This has already been informed to RTI applicant in RTI reply.

In view of the forgoing, we reiterate our earlier reply and therefore, the appeal deserves to be dismissed."

5. This Office has carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.

6. This Office concurs with the submission of the Respondent. It has been noticed by this Office that Respondent has already been provided the OMR sheet & Answer key to the Appellant vide letter no. RTI 2005/5422(22) dated 14.12.2022. Since considering that the question paper is an intellectual property of the Institute, hence, the disclosure of information is exempted under section 8(1)(d) of the RTI Act, 2005.

The appeal is accordingly disposed of.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

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3. Directorate of IT - For publishing on the website