

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, Sector-62, Institutional Area,
Noida - 201 309 (U.P.)

Appeal No. 43/2022

IN THE MATTER OF:

Virendra Kumar Jayprakash Pandey
Room No 31 ,
A Wing, Tirupati Awanue,
Chinchpada Road
Kalyan East- 421306
Maharashtra

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309

Respondent

Date of Order: 20th May, 2022

ORDER

1. The Appellant has filed first appeal on 04.05.2022 under Section 19(1) of the Right to Information Act, 2005 in connection with Response Ref. No. RTI 04491 dated 01.04.2022 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 28.02.2022 has requested to provide certified copies of CS Executive (New syllabus) December 2021 :- Jurisprudence, Interpretation and Ganeral Laws (421), Company Law (422).
3. The Appellant has requested in the instant appeals that "I did not receive proper file of my certified copy of answer sheet . My registration no is 440971274/05/2021 and my roll no is 356649, please make me available my answer sheet of C.Law (422) JIGL (421) and SBEC (423)".
4. The reply of the Respondent against the instant appeal is as under: -

"It is submitted that we have provided the requisite information/documents as sought by the Applicant (Appellant hereinabove) in his RTI Application ICSOI/R/E/22/01857 dated 28.02.2022, at the email ID of the Appellant registered with the Institute of Company Secretaries of India vide email dated 15.03.2022 in which a web-link, Username and Password have been provided to the RTI Appellant to download and view the requisite Answer books i.e. answer books of Company law and JIGL. Now, the Appellant has requested for scanned copy of Answer Book of new subject (SBEC) in this Appeal which was not sought in his above mentioned RTI Application.

Furthermore, it is also submitted that prior to the date of receipt of this appeal, the Answer books of CS Examinations, December 2021 have been disposed of in accordance with the Record Retention Schedule of Directorate of Examinations, ICSI (copy attached) and hence, the Answer Book of the new subject SBEC(not being part of RTI Application) cannot be provided.

The contents as above made in the RTI reply stands as it is and are candid.

Therefore, the appeal deserves to be dismissed in-limine”.

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 noted that the Respondent has provided the requisite information/documents vide email dated 15.03.2022 as sought by the Applicant in his RTI Application. Further, the Answer Book of the new subject SBEC has not been part of the RTI application & the same has been disposed of before the date of receipt of the appeal, under the Record Retention Schedule of Directorate of Examinations of ICSI, and hence cannot be provided.

The appeal is accordingly disposed of.

Sd/-

(Ankur Yadav)
First Appellate Authority

Copy to :

1. Virendra Kumar Jayprakash Pandey
Room No 31 ,
A Wing, Tirupati Avaneue,
Chinchpada Road
Kalyan East- 421306
Maharashtra
2. Shri Santosh Kumar Sharma
Central Public Information Officer
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309
3. Directorate of IT - For publishing on the website

RECORD RETENTION SCHEDULE

DTE. OF EXAMINATION

Sl No.	Description of Record Main Head/Sub-Head	Category of Record*	Retention Period begins after any specific stage
1	Answer Books of Company Secretaries Examinations on which applications for verification of marks under Regulation 42 (2) of the Company Secretaries Regulations, 1982, have not been received by the Institute within twenty one (21) days from the date of declaration of result of respective examination.	H1	After the declaration of results of each examination concerned.
2	Answer Books of examinations verified on candidates' requests under Regulation 42(2) of the Company Secretaries Regulations, 1982.	H2	From the date of completion of the process of verification of marks.
3	Answer Books of examinations provided for inspection or certified copy(ies) supplied to the candidates' on their request as per Institutes' Guidelines, Rules and Procedures.	H2	From the date of completion of the process of providing inspection and / or supply of certified copy (ies) to the candidates concerned.
4	Answer books of examinees on which some action/dispute is pending or such answer books which are required for any enquiry by any authority or court.	H2	From the date of completion of the action or enquiry or dispute, as the case may be.
5	Examination Session wise Results Registers.	A	To be maintained in bound Registers in physical form for 5 years; and in digitized form for 20 years from the date of declaration of results.
6	Statements of Payments made to Moderators, Paper Setter-cum-Examiners, Additional Examiners, Translators, etc. approved by the competent Authority.	D	From the date of payment.
7	Attendance Sheets of the candidates registered for/appeared in the examinations.	H3	From the date of examination.
8	Subject wise individual Examiners Marks-Sheets.	H3	From the date of examination.
9	Examination session-wise address list of Moderators, Paper Setters, Additional Examiners, Hindi Translators, etc.	H3	From the date of examination.
10	Correspondence with Moderators, Paper Setter-cum-Examiners, Additional Examiners, Hindi Translators, etc.	H3	From the date of concerned examination.

H1 **Forty Five days**
H2 **Three Months**
A **Forever, along with Microfilms thereof**
D **Eight Years**
H3 **One Year**