

**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. 35/2023**

IN THE MATTER OF:

Sweety Bhatia  
138 Parkash Nagar  
Tehsil Camp Near Babu Ram ICE Fa  
Haryana-132103

Appellant

Vs.

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

Respondent

Date of Order: 12<sup>th</sup> April, 2023

**ORDER**

- (a) The Appellant has filed first Appeal- No. ICSOI/A/E/23/00035 on 14.03.2023 under Section 19(1) of the Right to Information Act, 2005 in connection with Response Ref. No. ICSOI/R/E/23/00287 dated 14.03.2023 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (b) The Appellant vide her application dated 25.02.2023 has requested “to recheck my answer sheets again & totalling for December 2022 Examination for the subjects 1. MULTIDISCIPLINARY CASE STUDIES (MCS)(Open Book Exam) 2. INTELLECTUAL PROPERTY RIGHTS - LAWS AND PRACTICES.
- (c) The Appellant has informed in the instant appeals that “Refused access to Information Requested”.
- (d) The reply of the Respondent against the instant appeal is as under: -

“1. It is submitted that the information sought by the Applicant (Appellant hereinafter) in her above mentioned RTI Application dated 25.02.2023 was “...request to recheck my answer sheet again & totalling in below exams...”, and the same was provided to the Appellant on 14.03.2023 wherein the weblink containing process of applying for verification of marks has been provided (copy enclosed).

2. It is further submitted that the RTI Act, 2005 does not make it obligatory on the part of the CPIO to create information or to interpret the information for the purpose of its extraction/dissemination.

3. It is also submitted that the information which is “available and existing” can only be provided as held in the matter of CBSE Vs. Aditya Bandopadhyay (Civil Appeal No. 6454 of 2011), the Hon’ble Supreme Court held that “the RTI Act provides access to all information that is available and existing”.

4. It is also submitted that in the instant Appeal, the Appellant has sought new information which was not part of her RTI Application dated 25.02.2023 and as such it cannot be treated under this present Appeal and liable to be rejected.

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

- (e) 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.
- (f) This Office concurs with the submission of the Respondent. It has been noticed that vide email dated 14.03.2023 the weblink containing process of applying for verification of marks has been provided to the Appellant. It is requested to the Appellant to follow the procedure of rechecking & totalling of marks for the answer sheets.

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

