

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.00098/2024

IN THE MATTER OF:

MR. YOGESH KRISHNA SHUKLA
233 KHATRI PURA NIKAT DIWANI KACHEHRI
JILA BAHRAICH
PIN – 271801
UTTAR PRADESH

Appellant

Vs.

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

Respondent

Date of Order: 19th October 2024

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/24/00098 on 08.10.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with the Response vide letter dated 20.09.2024 against the Central Public Information Officer (EXAM) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
- (2) The Appellant vide his RTI Application No. ICSOI/R/E/24/12369 dated 16.09.2024 has requested the following information:
 - “1. To provide Evaluated copy of Answer Book(s) of all papers of Executive Module – 1 Exam pertaining to MR. YOGESH KRISHNA SHUKLA, Roll No. – 73366, Registration No. – 241173513/11/2023.
 2. No solution given regarding not being able to see the evaluated answer books online even after my emails dated 10th September 2024 and 12th September 2024”
- (3) The Appellant has submitted in the instant appeal as follows:

“NO CORRECT DOCUMENTS FOR PROVIDED”
- (4) The reply of the Respondent against the instant appeal is as under: -

“It is submitted that procedure to obtain the requisite information as sought by the Applicant (Appellant hereinafter) in his RTI Application ICSOI/R/E/24/12369 dated 16.09.2024, was

provided to the Appellant on 20.09.2024 in which the Appellant was informed about weblink and the procedure to fetch the sought information (copy of letter enclosed).

An announcement in this regard was also published on the website of the Institute www.icsi.edu – Examination – Result – Announcement (Supply of copy of Answer Book(s) to the students of CS Examination – June,2024).(copy of announcement attached).

Subsequently, the Appellant applied for the Answer Books which were provided to her and remained available for viewing from 10.09.2024 to 09.10.2024. However, the Appellant did not view the Certified copies during this window (copy of screenshot attached)..

Further, the Appellant raised concerns about non-availability of Answer Book and sought replies against below mentioned queries.

S.No.	Query	Reply
1	अपील के कारण व आधार – (1) सूचनार्थी द्वारा अपने सूचना आवेदन बिन्दु A में इक्जामिनेशन कार्डों की सत्यापित छायाप्रति मांगी थी जोकि पोर्टल पर उपलब्ध नहीं है। जिसे सी.पी.आई.ओ. द्वारा सम्बन्धित विभाग से सत्यापित कराते हुए उपलब्ध कराया जाना चाहिए था किन्तु सी.पी.आई.ओ. ने भ्रामक रूप से पोर्टल के माध्यम से सूचना प्राप्त करने का आदेश/परामर्श दिया। जोकि आर.टी.आई. एक्ट के विपरीत है तथा अपीलीय है।	The copies were available in the portal from 10.09.2024 to 28.09.2024, and later extended 09.10.2024, but were not accessed by the student. Moreover, the validity of viewing got expired on 09.10.2024 (Annexure – 1 and Annexure – 2)
2	अपील के कारण व आधार – (2) सामान्य व स्वामाविक नियम है कि जिस भाषा में आवेदन प्रस्तुत हो उसका उत्तर/पत्र व्यवहार उसी भाषा में दिया जाना चाहिये विशेष कर तब जबकि भारत सरकार हिन्दी में लिखने/पढ़ने को बढ़ावा देती है और शासनादेश भी जारी करती है।	Following facts were considered for deciding upon the language of Reply- 1.The student Ms. Anukriti Krishna Shukla opted “English” as medium of writing the Examination (Annexure-3). 2. The student used “English” throughout during her correspondence with the Various departments of ICSI (Annexure – 4 and Annexure – 5). 4. The CS Course is designed in “English medium” and students are expected to have at least a working knowledge of English Language to successfully complete the Course. 5. The RTI Portal maintained by Ministry of Personnel, Public Grievances and Pensions is designed in such a way that it

		<p>facilitates replying RTI Applications in “English medium”.</p> <p>5. The student herself never complained about not being able to understand “English”. In fact, her father has suggested to make replies in “Hindi medium”.</p> <p>Based on points mentioned above CPIO has no reason to believe that a reply in “Hindi medium” is essential.</p> <p>However, if the student is still unable to understand the reply made to her in “English Language” it shall be provided to her once again in “Hindi medium” upon receiving a request from her”.</p>
3	<p>बिन्दु न0 3- सूचनाधिकारी द्वारा अपना उत्तर अंग्रेजी में दिया जिस कारण मुझे सूचना समझने में दिक्कत हो रही है। सूचनाधिकारी का यह कार्य शासनादेश का उल्लंघन के साथ-साथ सूचना प्राप्त करने में बाधा उत्पन्न करने जैसा है व अपील योग्य है।</p>	Same as point No. 2.
4	<p>बिन्दु न0 4- जनसूचनाधिकारी महोदय द्वारा प्रेषित सूचना बिना हस्ताक्षर व आफिस सील के है तथा उपरोक्त सूचना सिर्फ दर्ज है ?</p> <p>जबकि उसका दस्तावेजी रेकार्ड नहीं है ऐसे में सूचना किस अधिकारी द्वारा जारी किया गया है वो स्पष्ट नहीं है, अतएव सूचना अप्रमाणित व अपूर्ण है तथा अपील किये जाने योग्य है।</p>	<p>The reply given to the Applicant is through a system generated letter from the RTI Portal maintained by Govt. of India and is as per norms and Regulations, and thus cannot be treated as invalid (Annexure – 6).</p>

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- (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.

This office concurs with the submissions of the Respondent.

The appeal is accordingly disposed of.

Sd/-
(Asit Kumar Rath)
First Appellate Authority

Copy to:

1. MR. YOGESH KRISHNA SHUKLA
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JILA BAHRAICH
PIN – 271801
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2. Central Public Information Officer (EXAM)
The Institute of Company Secretaries of India
C-37, Sector 62, NOIDA- 201309
3. Directorate of IT - For publishing on the website