

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.00100/2024

IN THE MATTER OF:

Mr. Abulkalam Shafi
412/1, Velmurugan Nagar, Kitchipalayam,
Salem – 636015
Tamilnadu

Appellant

Vs.

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

Respondent

Date of Order: 18th October 2024

ORDER

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/24/00100 on 09.10.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with the Response vide letter dated 03.10.2024 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/24/12569 dated 01.10.2024 has requested the following information:

“Subject- Seeking Answer book of the ICSI Examinations under the RTI Act 2005

Respected Sir/Madam,

I have appeared for CS Executive Programme Examination conducted by the ICSI with following particulars:

Personal Details:

Name of the candidate: Abulkalam Shafi

Date of Birth: 09/05/2002

Father Name: Shafi

Contact no: 8838017978

E-mail ID: abulshafi001@gmail.com

Address for correspondence: 412/1, Velmurugan Nagar, Kitchipalayam, Salem - 636015.

Exam related details:

Roll No: 129673
Examination: CS EXECUTIVE PROGRAMME
Month: December
Year: 2023

Paper No:
421: JURISPRUDENCE, INTERPRETATION AND GENERAL LAWS (JIGL)
422: COMPANY LAW (CL)
423: SETTING UP OF BUSINESS ENTITIES AND CLOSURE (SBEC)
424: TAX LAWS (TL)

The self-attested photocopy of my admit card, hall ticket is enclosed for verification of my identity. I also undertake that I am the same candidate who appeared in the aforesaid examination. I hereby declare and affirm that the details mentioned above relate to me only and are true to the best of my knowledge. Kindly provide the information at the given address. Please let me know the applicable additional fees, if any, as per Rule 4 of the Right to Information Regulation of Fee and Cost Rules, 2005, must be paid to provide the above-mentioned information."

(3) The Appellant has submitted in the instant appeal as follows:

"I am writing to file a first appeal under the Right to Information Act, 2005 regarding my request for the answer sheet of the December 2023 examination.

I had submitted an RTI application requesting the answer sheet for my examination conducted in December 2023. However, I have been informed that answer papers are available in ICSI website, but in ICSI Website they only providing for June 2024. So, this response is unsatisfactory, as I require the answer sheet from December 2023 for my records and further review.

As per the provisions of the RTI Act, I kindly request that you review my initial application and facilitate the release of the answer sheet for the December 2023 examination. If the answer sheet is not available, please provide a detailed explanation for its unavailability.

I appreciate your attention to this matter and look forward to your prompt response."

(4) The reply of the Respondent against the instant appeal is as under: -

"It is submitted that the requisite information as sought by the Applicant (Appellant hereinafter) in his RTI Application ICSOI/R/E/24/12569 dated 01.10.2024, was regarding Answer Books of December 2023.

This is to inform that the Certified Answer Books of December 2023 have been disposed off as per the Record Retention Schedule of the Institute which is available in the Institute's website (copy attached).

Hence, the Answer Books of December 2023 cannot be provided.

However, inadvertently the procedure to fetch Answer Books of June 2024 was provided to the Appellant instead of December 2023. This omission may be excused.

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.

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. Abulkalam Shafi
412/1, Velmurugan Nagar, Kitchipalayam,
Salem – 636015
Tamilnadu
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