

OFFICE OF THE FIRST APPELLATE AUTHORITY

(Appointed under 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. 13/2020

IN THE MATTER OF:

Ravi Sachan
8B, Gopal Nagar
Behind Tempo Stand
Kanpur – 208 011
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 : 2nd March, 2020

ORDER

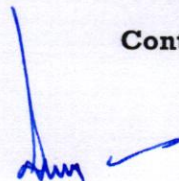
1. The Appellant has filed first appeal on 18th January, 2020 under section 19(1) of the Right to Information Act, 2005 against response issued vide letter Ref. No. RTI 2005/2999(20) dated 18.02.2020 by the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his application dated 28.01.2020 had requested to provide the following information :

"I have passed my cs professional exam under new & old syllabus scheme . now i want to know 1)My marks secured and 2) total marks and 3)MY Passing percentage and 4)number of attempts in which I passed my cs professional exam as per your record."

3. The Respondent vide letter dated 18.02.2020 issued the response to the Appellant.
4. In respect of query No. 1, 2 & 3, the Respondent had informed as under :

"The information sought is available in the public domain of the ICSI at the following link : <http://icsi.examresults.net/result-archives.htm>"

Contd..2...



5. The Appellant has informed in the instant appeal as under :

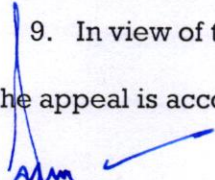
"Point number 1,2& 3 is not answered as questioned asked as per RTI ACT 2005. Mere providing link for seeking information from public domain is not sufficient."

6. The Respondent has informed against the instant appeal that "we reiterated our reply given to the applicant. The contents as made in the RTI reply stands as it is."
7. 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.
8. This Office notes that in Case No. CIC/MP/A/2015/001440, the CIC observed as under:

".....unless information is exclusively held and controlled by a public authority, that information cannot be said to be information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a predetermined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act."

9. In view of the above, this Office concurs with the submissions of the Respondent.

The appeal is accordingly dismissed.


(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Ravi Sachan
8B, Copal Nagar
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Kanpur - 208 011
Uttar Pradesh
2. Mr. Surya Narayan Mishra
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ICSI House, 22, Institutional Area
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3. Directorate of IT For publishing on the website