

**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.00068/2024**

IN THE MATTER OF:

Shri Anil Kumar Joshi  
D-2/392, Chitrakoot Scheme, Jaipur,  
Rajasthan, Pin - 302021

Appellant

Vs.

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

Respondent

Date of Order: 13th June, 2024

**ORDER**

- (1) The Appellant has filed first Appeal- No. ICSOI/A/E/24/00068 on 17.05.2024 under Section 19(1) of the Right to Information Act, 2005 in connection with the Response vide letter dated 17.05.2024 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/24/08060 dated 06.05.2024 has mentioned regarding the Removal of name from empanelment of examiner- RCND-436-4919 and requested to provide the information as per his following queries:
  - a) After evaluation of June 2023 answer books, I was asked to re-evaluate some answer books where some questions remained unevaluated as per ICSI. I re-evaluated those answers as soon as I got the information from your end though I took up with ICSI at that time also to investigate that how it has happened. I was replied they do not know how it happened. I gave email on 07/10/2023 which is appended below and called also at that time.
  - b) I observed that not any sub-question remained unevaluated but full 2-3 pages were unevaluated/unmarked. no annotation was placed on those pages. As per application of evaluation of answer books in place, no answer book can be submitted unless any annotation is put on the page. Either not attempted is marked or annotation is affixed, then only any answer book is accepted by the system. So how those answer books got accepted by the system without any annotation. This is to be investigated how after completion of evaluation process, marks as well as annotations on full pages got erased.
  - c) I requested you to delve deep into the matter and find out how such discrepancies have occurred as ICSI has implemented first time online evaluation and any afterwards

discrepancies noticed is not free from a bug in the software. I am pretty sure this is due to error of application as some sub-question here there in corner can be skipped not pages altogether.

- d) How many examiners were removed after online evaluation of answer books in June 23.
- e) How was it ensured that the errors pointed out was not due to bug in the system not of the examiners?
- f) How many examiners were removed in June 22, Dec 22 and June 23 due to number of errors committed by examiners?
- g) Please provide no of errors committed by examiners in last three years as compared to June 23.
- h) Why was not it ensured by you that errors found in evaluation of answer books in June 23 was caused due to bugs in the programme and not of examiners.
- i) Why any opportunity of hearing was provided by you to the examiners before removal of their names from empanelment?
- j) Why was not investigated before removal of name of examiner that examiner of standing more than 10 years in your empanelment can commit such errors and how he can be removed without providing details of errors, number of errors and causes of errors and without providing opportunity of hearing.
- k) Why does ICSI not respond to the issues raised by members, even president does not bother to address and respond the issues.

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

“The reply given by the ICSI is travesty of the RTI Act,2005. The ICSI is functioning arbitrarily and unilaterally. First of all, it takes arbitrary and unilateral decisions and It does not reply to the letters written and if provisions of RTI, Act are resorted to it again takes mendacious shelter rather than submitting the information. It is a public institute, and its working should be transparent, but it is surreptitious. It has not provided any information which is blatant violation of provisions of RTI Act,2005.”

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

“It is submitted that the Reply of the RTI Application ICSOI/R/E/24/08060 dated 06.05.2024 filed by the Applicant (Appellant hereinafter) was provided to the Appellant vide letter dated 17.05.2024 (copy of letter attached).

However, in the instant Appeal the Appellant expressed his discontentment against the reply provided to him and gave his opinionated remarks which were not part of his initial RTI Application.

Further, it is to clarify that Information sought by the Appellant was generally of Interrogative in nature and such interrogative queries viz. “How/Why/When” do not come under the ambit of the RTI Act, 2005 and thus are not information under section 2(f) of the RTI Act,2005.

Hence, the reply given against the aforesaid RTI Application was complete and correct in all respects and no other information needs to 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.

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. Shri Anil Kumar Joshi  
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3. Directorate of IT - For publishing on the website