

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 383 of 2025

Birendra Singh

... .. Appellant

Versus

The State of Jharkhand and Ors.

... .. Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Vikash Kumar, Advocate

For the Respondents : Mr. Manish Kumar, Sr. SC-II

Mr. Ashwini Bhushan, AC to Sr. SC-II

15/Dated: 20th August, 2026

1. The instant letters patent appeal is against the order passed by the learned Single Judge by which the writ petition had been dismissed with the liberty to the petitioner to take further recourse as available in the Right to Information Act, 2005 for redressal of his grievance.
2. At the outset, it is being referred herein that the information which was sought for by the appellant is a very serious one since the information was sought for as to under what authority a contractor is being allowed to get the contract who happens to be the own brother of the Executive Engineer of the concerned Division as per the pleading made in paragraphs-8, 9 &10 of the writ petition.
3. The present letters patent appeal has been filed solely on the ground that at the relevant time when the cause of action arose, the State Information Commission was not functional and therefore, this Court has passed order, at the first instance, on 12.12.2025 in the present letters patent appeal asking the State as to why the State Information Commission is not functional even though there is mandate of the Hon'ble Apex Court rendered in the case of *Anjali Bhardwaj vs. Union of India (2019) 18 SCC 246*.
4. Thereafter, the matter was deferred on the behest of the prayer made on behalf of the learned State counsel on one count or the other by apprising the Court that the State Information Commission will be made functional very soon.

5. It appears from the order dated 08.01.2026, when the State Information Commission has not been made functional, then, vide order dated 08.01.2026, the Chief Secretary, Government of Jharkhand and the Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand had been directed to appear physically on the next date.
6. The Chief Secretary, Government of Jharkhand had appeared on 29.01.2026 and an affidavit had been filed on his behalf making specific statement, particularly at paragraph-2, that the process of appointment of the Chairman and Members of the State Information Commission is at final stage and the State Information Commission is expected to be made functional within a period of four weeks but even then, the State Information Commission has not been made functional.
7. However, it had been brought to the notice of this Court that the members of the State Information Commission have been appointed which was taken note by this Court in the order dated 06.07.2026 by making reference of the notification as contained in Memo No.3761 dated 10.06.2026 by which the Information Commissioner has been appointed by the Governor of the State in exercise of the power conferred under Section 15(3) of the Right to Information Act, 2005 but the Chief Information Commissioner had not been appointed.
8. The matter, thereafter, was heard on 23.07.2026 and was deferred on the prayer made by the learned State counsel that the process for appointment has already been initiated and is under active consideration. The State Government is making sincere endeavour to complete the process expeditiously.
9. Learned State counsel had been granted three weeks' time as was prayed by him that by the aforesaid time of three weeks, the process which was initiated for appointment of the Chief Information Commissioner will be completed.
10. Time was allowed and when the matter is being heard today, then, again the learned State counsel has apprised this Court that still the appointment of Chief Information Commissioner has not been finalized.

11. However, he has submitted, on the telephonic instructions from the Chief Secretary, Government of Jharkhand, that the appointment will be made since it is still under consideration, therefore, time has been sought for.
12. This Court needs to refer herein that it is the Chief Secretary, Government of Jharkhand who has filed the affidavit, as taken note in the order dated 29.01.2026, making specific statement that within four weeks the State Information Commission will be made functional and the said order was passed way back but still the State Information Commission is not functional.
13. The statute is of the year 2005 and the Commission is to discharge its statutory duty towards the citizen of the country to achieve the mandate of the Act, 2005 but due to non-functioning of the State Information Commission, the mandate of the statute, i.e., Right to Information Act, 2005, is not being allowed to be carried out.
14. This Court, however, before passing further necessary order, is granting further three weeks' time, as prayed for by the learned State counsel on the instruction of the Chief Secretary of the State.
15. Since the State Information Commission is still not functional but taking into consideration the delay in making the Commission functional as also considering the information sought for by the information seeker, i.e., the appellant herein, this Court is of the view that a counter affidavit is also to be called upon from the State.
16. Let the counter affidavit be filed especially responding to paragraphs-8, 9 & 10 of the writ petition.
17. Accordingly, let this case be listed on 17.09.2026.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

20th August, 2026

Saurabh/-