
Birendra Singh	...	...	Appellant
Versus			
The State of Jharkhand & Others...	...	...	Respondents

For the Appellant : Mr. Vikash Kumar, Advocate
For the Respondents : Mr. Manish Kumar, Sr. S.C.-II

1. Reference be made to the order dated 7th January, 2026, in pursuance thereto, the Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand, has appeared.

2. He has stated, in presence of Mr. Manish Kumar, learned Senior S.C.-II, that the advertisement has been notified for the purpose of selection of the Chairman/Members of the State Information Commission for making it functional, which is non-functional since the year 2020.

3. He has stated that 26 applications have been received and after the closure of the date for receipt of application, the matter has been forwarded to the office of the Chief Minister on 19.12.2025 for the purpose of placing all the records including the applications submitted by one

or the other applicants before the Selection Committee which is being headed by the Chief Minister.

4. When the Court has posed a pin pointed question that by how much time the process will be completed, such question is necessary to be posed, since, the State Information Commission is not functional some time from the year 2020, i.e., more than five years, he has stated that he is not in a position to give any time frame.

5. The Court has considered that aspect of the matter on the backdrop of the fact that due to non-availability of the second appellate forum, i.e., the State Information Commission, who is to entertain the appeal by way of second stage of appeal, as provided under Section 19 (3) of the R.T.I. Act, 2005 as also on the basis of the command issued by Hon'ble Apex Court in the case of **Anjali Bhardwaj vrs. Union of India, (2019) 18 SCC 246** the High Court is being overburdened since writ petitions are being filed directly before this Court. But State is not indicating the time frame by which the Commission may become functional.

6. Since we have already passed order on 12.12.2025 commanding upon the State to make the State Information Commission functional which is non-functional since the year 2020.

7. We have called upon the Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand but since he also is not in a position to inform the Court the time frame by which the State Information Commission will be made functional, as such, this Court intends to call upon the Chief Secretary of the State but as has been submitted by Mr. Manish Kumar, learned Sr. S.C.-II that he will come with the instruction regarding the time frame today itself, as such we are refraining in calling upon the Chief Secretary for the present.

8. The hearing of the present case was paused for some cases in order to enable the learned State Counsel to seek instruction regarding the time frame of making the State Information Commission functional.

9. The Case when has again been called for, Mr. Manish Kumar, learned Sr. Standing Counsel No. II, has submitted that the situation is the same, since, nobody is willing to give the time frame.

10. Since this Court has already taken a view in paragraph-19 to the order dated 12th December, 2025 that if the State Information Commission will not be made functional then the Court will take *suo motu* cognizance by initiating contempt against the State functionaries for sitting upon the statutory command as also upon the

Judgment passed by the Hon'ble Apex Court which is binding under Article 141 read with Article 144 of the Constitution of India.

11. Mr. Manish Kumar, learned Sr. Standing Counsel No.II, however, has prayed to post this matter in the second week of February, 2026 but when the Court has posed a question that for what purpose the adjournment is being sought for as also the Court has put a question that whether by the second week of February, 2026 the State Information Commission will be made functional, he has submitted that there is no instruction.

12. This Court since has already interacted with the Secretary of the concerned Department who has shown his helplessness which is being considered as unfortunate, since, it cannot be expected from the Secretary of the concerned department.

13. It has been submitted by Mr. Manish Kumar, learned Sr. Standing Counsel No.II that the process is to be finalized by the Selection Committee which comprises of the Chief Minister of the State, the Leader of the Opposition and one other nominated Member.

14. Since the Chief Secretary is already party, as such, the Chief Secretary is being called upon to file an affidavit stating the time frame of making the State Information Commission functional.

15. It is made clear that if there will be no specific response by the Chief Secretary, then the Court will not hesitate in impleading the Selection Committee as party to the proceeding.

16. List this matter on 29.01.2026 as first case.

17. The Chief Secretary, Government of Jharkhand and the Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Govt. of Jharkhand will appear physically on that date.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

8th January, 2026
P.K.S./Suman-