

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 173 of 2026

Aribam Dhananjoy Sharma

.....Petitioner

Vs.

State of Manipur and 3 others

.....Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

(ORDER)

(Order of the Court was made by M. Sundar, CJ)

09.03.2026.

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 26.02.2026 which reads as follows :

'26.02.2026.

[1] Mr. Meihoubam Rakesh Singh, learned counsel on record for the writ petitioner is before this Court.

[2] At the outset, it is seen that a unique situation has arisen. In the captioned 'Writ Petition' ('WP' for the sake of brevity), the writ petitioner has primarily sought issue of a writ of *Quo Warranto* qua appointment of R4 (Smt. Nungshitombi Athokpam, aged about 60 years, W/O Sanjenbam Jogendro Singh, a resident of Uripok Bachaspati Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur) as State Information Commissioner, Manipur Information Commission.

[3] Learned counsel submits that the writ petitioner who is a journalist is espousing a public cause, writ petitioner is a public-spirited person and he has filed the captioned WP but the writ petition was filed resorting to Category Code No. '10043' vide

Appendix – 22 of ‘High Court of Manipur Rules, 2019’ (‘said Rules’). Code ‘**10043**’ is for matters pertaining to ‘**Selection and appointment**’. Learned counsel for WP petitioner very fairly, advertent inter-alia to paragraph 1 of the WP pleadings as well as the pre-WP representation sent by writ petitioner being a representation dated 19.01.2026 (Annexure-A/10) submitted that though the writ petitioner is espousing a public cause, resorting to Public Interest Litigation Code i.e., Code No. ‘**10194**’ may become a hurdle as the captioned matter can be construed as a service matter and the issue of service matter in a PIL may arise. We place on record our appreciation for the fair stand taken by the learned counsel for WP petitioner.

[4] A careful perusal of the WP pleading, the pre-writ petition representation being representation dated 19.01.2026 (Annexure-A/10), the prayer in WP and the nature of the legal grind qua captioned WP bring to light that this is a case of importance and complexity. Therefore, as this Bench is presided by the Chief Justice who is the master of roster, exercising powers under Rule 3(1) and proviso thereof of said Rules, the captioned matter is directed to be listed before Division Bench (DB) presided by Chief Justice. To be noted, Rule 3(1) and the proviso thereof of said Rules makes it clear that listing before Single Bench has an exception and the exception is where the Chief Justice ‘otherwise directs’.

[5] In the normal circumstances, such an order would not have been made on the judicial side but as the writ petition has been numbered and listed before this DB and as the question has been brought to the notice of this court it has become necessary to make this part of instant judicial order today more so as this DB presided by Chief Justice has the benefit of hearing learned counsel on record for the writ petitioner though such orders in the normal course are made by Chief Justice on the administrative side.

[6] It is made clear that the captioned matter is being taken up by DB only owing to the importance and by exercise of

powers of Chief Justice under Rule 3 (1) and proviso thereat without expressing any opinion one way or the other as to whether it should be treated as a PIL or not. This question is left open and will be decided as the matter progresses.

[7] List under the same cause list caption 'MOTION' on Monday week i.e., 09.03.2026 (we are saying Monday week owing to the intervening Yaoshang holidays).

[8] List on 09.03.2026.'

[2] Today, Mr. Meihoubam Rakesh Singh, learned counsel on record for the writ petitioner is before this Court.

[3] Learned counsel submits that appointment of respondent No. 4 as State Information Commissioner of Manipur Information Commission is hit by Section 15(3) of 'the Right to Information Act, 2005 (22 of 2005)' ['RTI Act' for the sake of brevity] which says that State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of Hon'ble Chief Minister (who shall be Chairman of the Committee), Hon'ble Leader of the Opposition in the Legislative Assembly and a Hon'ble Cabinet Minister to be nominated by Chief Minister.

[4] Adverting to a reply dated 02.01.2026 in response to writ petitioner's query/request for information under RTI Act, learned counsel submits that the response of Public Information Officer under the RTI Act says that due to President's Rule, Committee under Section 15(3) of RTI Act was not constituted and that the process was handled via Governor in Council. The relevant query and the answer as found in the tabulation

is as follows :

Para	Query	Reply
3	Please provide : (a) the names and designations of all members of the Selection Committee; (b) the dates on which the Committee met; and (c) copies of any dissent notes or objections recorded by any member.	The Selection Committee under Section 15(3) of the RTI Act, 2005, consists of the Chief Minister (Chairperson), the Leader of Opposition in the Legislative Assembly, and a Cabinet Minister nominated by the Chief Minister. However, due to President's Rule, it was not constituted; the process was handled via Governor in Council.

[5] On 14.11.2025, when respondent No. 4 was appointed as State Information Commissioner, President's Rule was in vogue in Manipur. In this view of the matter, this Court drew the attention of learned counsel to 'assumption of functions' *qua* Articles 356 and 357 of the Constitution of India.

[6] Faced to the above situation, learned counsel sought time to produce a copy of the afore-referred Presidential proclamation and any other document/s in this regard which may be of relevance to the legal drill at hand.

[7] Request of learned counsel for writ petitioner acceded to.

[8] List under the caption 'ADJOURNED ADMISSION' on 30.03.2026.

JUDGE

CHIEF JUSTICE

Sushil