

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3089 of 2026

Praween Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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| For the Petitioner/s | : | Mr. Rajesh Kumar Sharma, Advocate |
| For the SIC | : | Mr. Lalit Kishore, Sr. Advocate Mrs. Binita Singh, Advocate |
| For the State | : | Mr. P.K. Shahi, Advocate General |

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 16-04-2026 This writ petition in the nature of Public Interest Litigation has been filed by petitioner-Praween Kumar seeking for the following reliefs:-

“A. For issuance of a Writ of Continuing Mandamus directing the Respondent Authorities to clear the massive pendency of RTI application, and appeals in strict adherence to the following timelines:

First Appeals: Strictly within the statutory limit of 45 days as mandated under Section 19(6) of the RTI Act; and Second Appeals: Within the timeline of 90 days (or such reasonable time as this Hon'ble Court deems fit), thereby enforcing the mandate of the Hon'ble Supreme Court in Anjali Bhardwaj v. Union of India (2019) 18 SCC 246, which established that the timeline for disposal of appeals must be reasonable lest the Right to Information becomes a dead letter.

B. For issuance of a direction to the State of Bihar to frame Executive Guidelines to ensure



that "Adverse Entries" are recorded in the Annual Confidential Reports (ACR) of officers who are penalized thrice or more under the RTI Act.

C. For the issuance of a Writ in the nature of Mandamus directing the State Information Commission (Respondent No. 3) to strictly enforce Section 20(1) of the Right to Information Act, 2005, by imposing the mandatory penalty of Rs. 25,000/- on Public Information Officers (PIOs) in all cases where information is delayed beyond 100 days without reasonable cause. Further Direct that the Rs. 25,000 penalties must be automatically deducted from the officer's personal salary, not paid by the department.

D. For a direction to the State Government to pay Interim Compensation (Public Law Remedy) to citizens who have suffered "Loss of Opportunity" due to excessive delays (exceeding 2 days) in furnishing information, treating such delay as a 'Constitutional Tort' and violation of Article 19(1)(a) and Article 21 of the Constitution.”

2. Learned counsel for the petitioner has placed before us Annexure-P/4 to the writ petition, which contains information supplied to one Mr. Amarendra Kumar, dated 28.04.2025, wherein it is mentioned that the total pendency of second appeals/complaints before the Bihar State Information Commission as of December 2024 is 28,291. He has also referred to various provisions of the *Right to Information Act, 2005* (hereafter referred to as the “2005 Act”), particularly Section 6, which deals with “Request for obtaining information”; Section 7, which deals with “Disposal of



request”; Section 19(1), which deals with “Appeal”; and Section 19(3), which deals with “Second Appeal.” Learned counsel has further submitted that, in view of Section 15 of the 2005 Act, on the recommendation of a Committee consisting of the Chief Minister, the Leader of the Opposition, and a Cabinet Minister to be nominated by the Chief Minister, His Excellency the Governor is required to appoint the State Chief Information Commissioner or State Information Commissioners, and it is stated that some posts are lying vacant.

3. Learned Senior Counsel appearing for respondent nos. 3 and 4 submitted that a similar matter was before the Hon’ble Supreme Court in *Anjali Bhardwaj-Vrs.-Union of India, reported in (2019) 18 SCC 246*, which was disposed of vide order dated 15.02.2019. However, Miscellaneous Application No. 1979 of 2019 has been filed in the said case, and he has produced a copy of the order dated 10.02.2026, which indicates that in the State of Bihar there are only four sanctioned posts of Chief Information Commissioner/ Information Commissioners, out of which one post is lying vacant. Learned State counsel informed the Court that an advertisement was issued in December 2025, and the selection



process was likely to be finalized by the end of February 2026. Consequently, the available vacancies will be filled up within a period of two months. A copy of the order dated 10.02.2026 has been produced before us which is taken on record.

4. In view of the above noted submissions led by learned counsel for the State, the Hon'ble Supreme Court directed the State of Bihar to consider the desirability of a suitable increase in the sanctioned strength, keeping in view the pendency of almost 30,000 appeals, and to file a response in that regard before the next date of hearing, which was fixed for 28.04.2026.

5. Considering the fact, the matter is *sub judice* before the Hon'ble Supreme Court, list this matter on **18.06.2026**, on which date both the learned counsel shall apprise this Court of the status of Miscellaneous Application No. 1979 of 2019.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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