

ITEM NO.9

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION NO. 1979/2019 IN W.P.(C) NO. 436/2018

[Arising out of impugned final judgment and order dated 15-02-2019 in W.P.(C) No. 436/2018 passed by the Supreme Court of India]

ANJALI BHARDWAJ & ORS.

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

(IA No. 139361/2019 - CLARIFICATION/DIRECTION)

WITH

W.P.(C) NO. 1461/2020 (PIL-W)

(IA No. 134701/2020 - EXEMPTION FROM FILING O.T.)

Date : 07-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Prashant Bhushan, AOR
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Mr. Prafull Bhardwaj, Adv.
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Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.
Mr. Aakash Thakur, Adv.

Mr. Abhishek Atrey, AOR

Ms. Ishita Bist, Adv.

Ms. Ambika Atrey, Adv.
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Mr. K Parmeshwar, Sr. Adv.
Mr. Yasharth Kant, AOR
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Mr. Suryaansh Kishan Razdan, Adv.
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Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana,, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The matter pertains to the appointment of the Chief Information Commissioner (CIC)/Information Commissioners (IC) in various States, alongwith the appointment of the CIC by the Union of India.
2. Adverting first to Union of India, the status report reveals that, presently, the Central Information Commission consists of one CIC and two ICs. However, there are ten sanctioned posts of ICs, in total. The vacant posts were advertised in August 2024, and the selection process is still under way. We, accordingly, direct the concerned Joint Secretary of the Department of Personnel and Training (DoPT) to file an affidavit with the following details:

- (i) The time line within which the selection process will be completed;
- (ii) The time line within which the recommendations of the Selection Committee shall be processed and appointments notified;
- (iii) The members of the Search Committee and the list of candidates who have applied. These details be notified in terms of the directions issued by this Court in the *Anjali Bhardwaj Case*;
- (iv) Further, the affidavit should specify that candidates who did not apply in response to the advertisement shall not be offered appointments.
- (v) The requisite affidavit shall be filed within two weeks.

3. Regarding the State of Jharkhand, the supplementary affidavit reveals that an advertisement was issued on 28.06.2024, calling for applications for the post of CIC and six ICs for appointment to the State Information Commission. 37 applications have been received for the post of CIC and 300 applications for the posts of ICs. However, the selection process has not commenced because, after the

elections of the Legislative Assembly were completed in November 2024, the Leader of Opposition in the Vidhan Sabha has not been announced and since such leader is also a Member of the Selection Committee, the meetings of the Selection Committee could not be convened.

4. In order to resolve the issue and to expedite the selection process, the largest opposition party in the Vidhan Sabha would nominate one of its elected members as a member of the Selection Committee for the limited purpose of selection to the post of CIC and ICs. The needful in this regard shall be done within two weeks. The Selection Committee shall commence the selection process immediately thereafter, i.e. in the 3rd week from today and shall make an endeavor to complete the selection process within six weeks thereafter. The appointments shall be made within one week from the receipt of recommendations from the Selection Committee. The Chief Secretary, Jharkhand, shall file a status report-cum-compliance affidavit in this regard before the next date of hearing.

5. So far as the other States are concerned, we have perused their respective status reports. It seems that most of the States have initiated the selection process to fill up the vacancies, but without any commitment regarding the time line within which the appointments shall be made. We, therefore, deem it appropriate to issue the following

directions to all the States (other than the State of Jharkhand):

- i. The list of the applicants shall be notified within one week;
 - ii. The composition of the Search Committee along with the criteria prescribed for shortlisting applicants shall be notified within one week thereafter;
 - iii. The time line within which the interviews shall be completed be notified. This shall not be more than six weeks from the date of notification of composition of the Search Committee and the criteria for shortlisting applicants;
 - iv. On receipt of the recommendations, the competent authority shall scrutinize and make appointments within two weeks.
6. The Chief Secretaries of all the States shall file their respective compliance affidavits in this regard.
7. All the States shall, separately, find out the total vacancies for the respective ICs and the pendency of applications before the respective commissions. Such information shall also be furnished.
8. All those States, which have already made the required appointments and where there are no vacancies, are exempted from compliance with the above directions.

9. Those States, where the appointments have already been made, however, shall submit their respective compliance affidavits in respect of the directions to the extent of: (i) the list of candidates who had applied, (ii) the composition of the Search Committee, (iii) the criteria adopted by the Search Committee for shortlisting the candidates, and (iv) the appointment notifications.

10. List on 04th March, 2025.

(POOJA SHARMA)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)