

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1246 of 2009

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Tanuja Kumari, D/o – Late Hiya Sah, Resident of Mohalla- Vishwanathganj
P.O. + P.S. – Khagaria, District – Khagaria.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Khagaria.
3. The President, State Commission Consumer Protection Forum,
Daroga Rai Path, Patna, Bihar.
4. The Principal Secretary, Food and Consumer Department, Bihar,
Patna.
5. The Director, Consumer forum Directorate, Patna, Bihar.
6. The State Consumer Disputes Redressal Commission, 3rd Floor,
Biscomaun Tower, Bihar, Patna, through its Secretary.
7. Dr. Rita Rani, D/o Bishwanth Roy, At + P.O. – Khagaria, District –
Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh 2

For the Respondent/s : AC to Addl. Advocate General - 4

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 27-04-2015 Heard Sri Ranjeet Kumar Singh-2, learned counsel for
the petitioner and learned A.C. to Addl. Advocate General – 4.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of notification contained in Memo No. 6826 dated 29-12-2008 to the extent of serial no. 5 i.e. in respect of respondent no. 7, whereby, she was selected as Female Member of the District Consumer Forum, Khagaria.

Learned counsel for the petitioner submits that he has brought on record to show that respondent no. 7 was a practicing



advocate and as such, she was not entitled to be appointed as Female Member of the District Consumer Forum. Learned counsel for the petitioner has placed reliance on a communication made by the State Consumer Disputes Redressal Commission, vide **Annexure – 2** to the writ petition to elaborate that advocates are not required to be appointed as member of the District Consumer Forum. Learned counsel for the petitioner submits that even after expiry of the term i.e. five years, the respondent no. 7 is still continuing.

In this case, counter affidavit and supplementary counter affidavit have been filed on behalf of respondent no. 4 & 5. By referring to statement made in paragraph – 6 of the counter affidavit, learned State counsel submits that ofcourse respondent no. 7 was registered as an advocate, but she had resigned her membership w.e.f. 21-04-2008. Moreover, it has been emphatically stated in paragraph – 5 of the supplementary counter affidavit that as per communication made by the State Consumer Commission, Bihar, the tenure of Female Member of Consumer Protection District Forum, Khagaria expired on 19-01-2014. Ofcourse, orally submission was made by learned counsel for the petitioner that respondent no. 7 is still continuing, no reply to the supplementary counter affidavit has been filed.

In view of the facts & circumstances, particularly the fact that term was only for the five years, which has already expired, the Court is of the considered opinion that the writ petition has become infructuous.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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