

CWP No.16564 of 2016

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.16564 of 2016

Date of Decision:-04.10.2016

Jarnail Singh.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Sanjiv Pandit, Advocate for the Petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab.

JASWANT SINGH, J (ORAL)

Petitioner was appointed as a Member of District Consumer Forum, Bathinda vide appointment letter dated 23.12.2013 (**P-1**). The respondent State had issued an advertisement dated 17.6.2015, whereby five posts of Presidents of District Consumer Dispute Redressal Forum were sought to be filled up from eligible candidates. The Petitioner had applied for consideration for appointment against the aforesaid advertised posts. The petitioner had not been issued any interview letter, he was constrained to file the present writ petition seeking a Mandamus for issuance of Interview Letter for the interviews scheduled for 17/18.08.2016.

This Court vide interim order dated 16.08.2016 directed that the petitioner be provisionally interviewed subject to the decision of the writ

The stand of the respondents in the written statement is that the provisions of Section 10(1)(a) of The Consumer Protection Act, 1986 provides that the President of the District Consumer Forum (i) *be a person who is sitting District Judge*; or (ii) *a retired District Judge* or (iii) *is qualified to be a District Judge*. The Punjab Superior Judicial Service Rules, 2007 lays down two essential qualification of a person to be appointed as a District Judge. It is not disputed that the petitioner Jarnail Singh does possess the essential qualifications laid down under Rule 10 of the 2007 Rules, however, Article 223 of the Constitution provides the following regarding the appointment of District Judge in the Subordinate Courts which reads as under:-

“ (1) *Appointments of persons to be, and the posting and promotion of, district judges in any state shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such state.*

(2) *A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years as advocate or a pleader and is recommended by the High Court for appointment.* ”

In the light of Clause 2 of the aforesaid Article 233 the petitioner being already in the service of the State as a Member of the Consumer Forum was held to be ineligible, hence the petitioner was not called for interview.

In compliance of the directions passed by this Court, the result of the petitioner after due consideration for appointment to the post of

President has been produced in a sealed cover. The same upon opening reveals that the petitioner has not been selected by the Selection Committee. The result has been resealed and handed over back to the counsel for the State.

In view of the result of the petitioner, it is conceded by the learned Counsel for the petitioner that the rest of the issue would be purely academic and as such does not press this petition any further.

Dismissed as not pressed.

(JASWANT SINGH)
JUDGE

October 04, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>