

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17211 of 2015

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1. Shakti Prabha Sinha, W/o Shri Om Prakash Sinha, Resident of Mohalla
Salempur, In front of Ganga Singh Law College, district Saran

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna
3. The Director, Consumer Protection Bihar Patna.
4. The Chairman, District Screening Committee, Saran
5. The District Magistrate, Saran
6. Smt. Vinita Devi, W/o Shri Yugal Kishore, Thakur Resident of Village-
Dhanupur, PO Dhangarha, P.S. Baniyapur, District Saran

.... Respondents

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Appearance :

For the Petitioner : M/S Nilanjan Chatterjee & Ravi Ranjan, Advs.
For the State : Mr. Prabhat Ranjan Singh, AC to AAG XV
For respondent no. 6 : Mr. P.K. Shahi, Sr. Adv. with
Mr. Vipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 15-11-2017

Heard the parties.

2. The petitioner seeks quashing of the notification, dated 18.12.2014, as contained in letter no. 9683, by which respondent no. 6 has been appointed as a Member, Non-Judicial, Saran District Consumer Forum, Saran, and, further, seeks for a direction to remove the name of respondent no. 6 from the recommended panel, as respondent no. 6 does not have requisite qualification for appointment on the post of Member, Non-Judicial, Saran District Consumer Forum, Saran.

3. The petitioner and respondent no. 6, in pursuance of the advertisement, applied for appointment on the post of Member, Non-Judicial, Saran District Consumer Forum, Saran, published in the daily newspaper on 03.08.2014. The Selection Committee, consisting of District Judge, Saran, the District Magistrate, Saran, and the President,



District consumer Forum, Saran, recommended the names of three persons, including the names of the petitioner and respondent no. 6 to the State Consumer forum for appointment, but the State Consumer Forum did not take interview of any person and issued letter on 18.12.2014 for appointment of respondent no. 6 on the post of Member, Non-Judicial, Saran District Consumer Forum, Saran. Being aggrieved by the aforesaid order, the petitioner has filed this writ petition.

4. The learned counsel for the petitioner submits that the petitioner served as Member, District Consumer Forum and has experience of ten years in the field of business, law, commerce, accounts, industry, social work and administration work. Respondent no. 6 has got no requisite qualification for appointment on the post of Member, Non-Judicial, Saran District Consumer Forum, Saran, as she lacks experience of ten years. It is, further, submitted that no interview, as required, has been held by the State Commission and respondent no. 6 was illegally appointed.

5. Sri. P.K. Shahi, the learned senior counsel, appearing for respondent no. 6, and the learned State counsel submitted that from the application form filed by the petitioner, itself, it appears that the petitioner did not annex any experience certificate. She simply stated that she served as the Member, Non-Judicial, Saran District Consumer Forum, for five years, but, she did not state that she has any experience of social service. Respondent no. 6 has stated in her application that she got experience of social service besides other experience in doing work in social service in Panchayat since 2009. Therefore, the petitioner has not made out the case



for termination of selection of respondent no. 6 since the petitioner herself was not an eligible candidate. The petitioner has not filed this writ petition praying for issuance of writ of quo warranto and once it is found that the petitioner herself is not eligible for appointment on the post of member, Non-Judicial, Saran District Consumer Forum, Saran, the petitioner has got right to challenge the selection of respondent no. 6. Therefore, the writ petition is fit to be dismissed.

6. Having considered the submissions of both the sides, it appears that in pursuance of an advertisement issued for appointment of Member, Non-Judicial, Saran District Consumer Forum, Saran, the petitioner and respondent no. 6 applied. From the perusal of the application form of the petitioner, it appears that the petitioner simply stated that she worked for five years as Member, Non-Judicial, Saran District Consumer Forum, Saran, but, she did not even state in the application form that she has got any experience of social work for ten years, even then her name was also recommended along with the name of respondent no. 6 and Smt. Pranita Ojha. From the recommendation, it appears that the Selection Committee recommended the names on the basis of the fact that petitioner worked as a Member, Non-Judicial, Saran District Consumer Forum, Saran, and she has got no other experience, but, the Selection Committee found respondent no. 6 having experience of working and imparting trainings under Panchayat Raj Act besides other social service. The State Selection Committee found respondent no. 6 fit and appointed as Member, Non-Judicial, Saran District Consumer Forum, Saran. Thus, I find that the petitioner herself lacks the requisite



qualification and she did not state the fact in her application form that she got experience of ten years in social service as required in the advertisement.

7. Having considered the facts and discussions, made above, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

8. Let the records of the Screening Committee, Consumer Forum, be handed over to the learned counsel for the State.

(Prabhat Kumar Jha, J)

SA/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.12.2017
Transmission Date	N/A

