

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.19691 of 2020
and W.M.P.Nos.24326, 24328 and 24329 of 2020

M.Thalapathi Rajinikanth

.. Petitioner

-Vs-

- 1.The Secretary
Commissioner of Civil Supplies & Consumer
Protection Department, Ezhilagam, 4th Floor
Chepauk, Chennai 600 005.
- 2.The Chairman, Tamil Nadu State Consumer
Disputes Redressal Commission, Chennai 600 003.
- 3.The Selection Committee
Tamil Nadu State Consumer
Disputes Redressal Commission, Chennai 600 003.
- 4.The Registrar, Tamil Nadu State Consumer
Disputes Redressal Commission, Chennai 600 003.
- 5.The Public Information Officer,
State Consumer Disputes Redressal Commission
Frazer Bridge Road, Park Town, Chennai 600 003.
- 6.The Appellate Authority
State Consumer Disputes Redressal Commission
Frazer Bridge Road, Park Town, Chennai 600 003.
- 7.The State Information Commissioner
Tamil Nadu Information Commission
No.2, Thiagaraya Road, Teynampet
Chennai - 600 018.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 25.04.2018 by the 6th respondent in Lr.Rc.No.J1/816/2018 and consequential order passed by the 7th respondent in Order No.SA-8968/E/2018

dated 11.10.2019 and quash the same and issue directions to the respondents 1 and 2 to appoint the petitioner as a President in the District Consumer Redressal Forum under their control.

For Petitioner : Mr.A.M.Packianathan Easter

For Respondents: Ms.R.J.Radhika, Government Advocate-for R1
Mr.Niranjan Rajagopal, Standing Counsel
- for R7

O R D E R

The prayer sought for herein is for a writ of Certiorarified Mandamus to call for the records relating to the order dated 25.04.2018 by the 6th respondent in Lr.Rc.No.J1/816/2018 and consequential order passed by the 7th respondent in Order No.SA-8968/E/2018 dated 11.10.2019 and quash the same and issue directions to the respondents 1 and 2 to appoint the petitioner as a President in the District Consumer Redressal Forum under their control.

2. That the petitioner is a practicing advocate of standing with 15 years Bar experience at the District level Courts. Accordingly, for the appointment of President of District Consumer Redressal Forum, it seems, he has made an application and the petitioner claimed that he is fully eligible to hold the said post.

3. In this regard, it is the grievance of the petitioner, that though he is one of the eligible candidate and he has made an application, he has not been called for interview and that even though the petitioner was not called for interview, it seems that the concerned authority has finalized the candidate to be appointed as President of the District Consumer Redressal Forum and therefore, aggrieved against the same, he has raised four questions to the Selection Committee / Public Information Officer, Tamil Nadu State Consumer Disputes Redressal Commission on 27.02.2018 and the said four questions are as follows,

1. Whether you have followed the community reservation policy for the year of 2017 and 2018 appointment of District Consumer Redressal Forum President.
2. How many posts are provided for OC, BC, MBC, SC and ST Candidates.
3. Whether you have provided the reservation to the women, how many posts are provided to the women candidates?
4. Please send the appointed candidates name caste and appointed stations.

Sir, I need the informations to me within for 48 hours for my further court of law proceedings. Further the appellate officer address should be informed to me. Sorry for my interruption to yours valid officiating. I have affixed the sufficient court fee Rs.10 herewith. Thanking you Sir."

4. In response to the said queries raised under RTI Act, the Public Information Officer of State Consumer Forum has given the following answers on 27.03.2018.

1 & 2. Appointment to the post of President in the District Forum is being made as per Section 10 of the Consumer Protection Act, 1986. There is no provision in the said Act to follow community reservation policy. Usually retired District Judges are appointed as Presidents in the District fora on the recommendations of the Selection Committee.

3. As per Section 10(1)(b) of the Consumer Protection Act, 1986 among 2 other Members, 1 Member shall be a Woman.

4. Personal information such as Caste, Religion could not be sought for under RTI Act. The appointment order relating to third party could not be furnished vide Order No.SA 7266/Enquiry/E/2015 dated 01.12.2015."

5. Not satisfied with the said answers, he filed first appeal before the appellate authority who also by order dated 25.04.2018, has given the following answers to the petitioner.

S.No	Question	Answer
1&2	1. Whether you have followed the community reservation policy for in the year of 2017 and 2018 appointment of District Consumer Redressal Forum President. 2. How many posts are provided for OC, BC, MBC, SC and ST Candidates.	As per Section 2(f) of RTI-2005 Records which are in existence/maintained in this office alone be furnished under RTI Act. The information sought for by the applicant is not maintained in this office. Hence, it could not be furnished.

S.No	Question	Answer
3	Whether you have provided the reservation to the women. How many posts are provided to the women candidates.	As per Section 10(1) of the Consumer Protection Act, 1986 among 2 other Members, 1 Member shall be a Woman. Particulars regarding the number of women member appointed in this department is not maintained in this office. Hence it could not be furnished.
4	Please send the appointed candidates name caste and appointed stations.	Personal information such as Caste, Religion could not be sought for under RTI Act. The appointment order relating to third party could not be furnished vide order No,SA 7266/ Enquiry/E/2015 dated 01.12.2015. The above reply furnished by the P.I.O. warrants no interference.

6. Still not satisfied with the said answers given by the Public Information Officer as well as the appellate authority of the State Consumer Redressal Forum he filed a Second Appeal before the seventh respondent ie., the Tamil Nadu Information Commission, who passed an order on 11.10.2019 directing the Public Information Officer of State Consumer Forum that, if at all the queries raised by the petitioner have so far not been answered and the information has not been supplied, the same shall be made within a time frame. However, not satisfied with either of these orders, the petitioner has chosen to file this writ petition with the aforesaid prayer challenging the order supplying the information by the appellate authority of the State Consumer Forum dated 25.04.2018 ie., the sixth respondent as well as the seventh respondent Information Commission's order dated 11.10.2019.

7. Learned counsel for the petitioner would submit that, since the petitioner was one of the applicant and made proper application for selecting him as the President of the District Consumer Forum. According to him, he is having qualification and therefore without any plausible reason, his application could not have been rejected and without having even rejected the application of the petitioner, the Selection Committee could

not have omitted the name of the petitioner even for calling him for interview and since the petitioner was not even being called for interview, the petitioner wanted to know the reason as to why he has not been called for interview. Therefore, he raised those questions. However, since there is no satisfactory reasons given in the impugned orders, especially in the order of the appellate authority dated 25.04.2018 against which Second Appeal was filed before the Information Commission, who also has not properly considered the grievance of the petitioner and therefore the petitioner has challenged both the orders.

8. On reading the papers and after hearing the learned counsel for the petitioner, this Court feels that the petitioner is completely under misconception on the issue. If at all the petitioner is one of the applicant, who made application to the State Consumer Forum or Selection Committee for the post of President of District Consumer Redressal Forum and despite the application being filed in time and according to the petitioner he was having the requisite qualification, he has not been called for interview. If that being the reason that the petitioner has approached the State Consumer Forum or the Selection Committee to get the reason as to why he has not been called for interview, the query should have been raised by the petitioner only to the extent as to on what reason the petitioner has not been called for interview. Instead, he has raised so many questions that has been stated in the orders referred to above as has been quoted, where, whether communal reservation was followed, how many of them were selected, what is the caste and other particulars of each of the candidate. All these queries were raised and this has been answered by the authorities as quoted above, of course in some of the queries raised by the petitioner, answer was that those are third party information which may not be divulged.

9. Be that as it may. If at all the petitioner has any grievance with respect to the selection, he should have raised the only question as to on what reason he has not been called for interview. If at all that question has been raised, definitely the information would have been divulged by the Public Information Officer or appellate authority and in order to get the said reply from the respondents, unnecessarily the petitioner has raised so many other questions, however he failed to ask the pertinent question. Therefore, the grievance of the petitioner insofar as supplying or furnishing the information on the queries raised by him have been met in the orders and that has also been taken into account by the Information Commission. Despite that, they have given a written direction to the Public Information Officer / Appellate Authority to give the information sought for. This Court feels that there could be no grievance on the part of the petitioner in respect of the

answers given by the authorities as have been quoted in the impugned orders. If at all the petitioner still have any grievance, he can make an application under the RTI Act and raise the pertinent question to the authorities including the State Consumer Forum especially in the context as to on what reason his application has not been considered and he has not been called for interview. Without making such a query, the petitioner ought not to have challenged the orders now impugned in this writ petition, as absolutely no plausible reasons are attached by the petitioner to challenge the same successfully.

10. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Secretary
Commissioner of Civil Supplies & Consumer
Protection Department, Ezhilagam, 4th Floor
Chepauk, Chennai 600 005.
 - 2.The Chairman, Tamil Nadu State Consumer
Disputes Redressal Commission, Chennai 600 003.
 - 3.The Selection Committee
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 - 7.The State Information Commissioner
Tamil Nadu Information Commission
No.2, Thiagaraya Road, Teynampet
Chennai - 600 018.
- +1 cc to The Government Pleader Sr.No. 43157

W.P.No.19691 of 2020

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RMP(12/03/2021)