

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CWP-23935-2021

Date of decision: November 25, 2021

Vikas Chopra

...Petitioner

Versus

State of Haryana and another

....Respondents

2. CWP-23946-2021

Date of decision: November 25, 2021

Narender Kumar

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Suvir Sidhu, Advocate for the petitioner(s)
in CWP-23935-2021.

Mr. Jasbir Mor, Advocate for the petitioner
in CWP-23946-2021.

Mr. Saurabh Mohunta, DAG Haryana.

(Presence marked through Video-Conference).

ARUN MONGA, J. (ORAL)

Vide this common order, aforementioned two petitions involving common questions of law and facts are being disposed of. Only CWP-23935-2021, for brevity, is being referred herein.

2. Petitions herein, *inter alia*, are for issuance of writ in the nature of Mandamus directing the respondents to issue interview letter to the

petitioners for interview to be held from 23.11.2021 to 26.11.2021 for the post of President, District Consumer Disputes Redressal Commission.

3. Petitioners are stated to be practicing Advocates and aspirants for the post of President, District Consumer Disputes Redressal Commission *qua* which they have submitted their applications along with requisite particulars. They claim that despite being eligible and having submitted requisite particulars, on one hand they have not been conveyed the reasons of their not being invited for interview, and on the other hand, they are left totally in the dark in the event, their applications were found deficient, if that were so. Interviews are/were to be conducted from 23.11.2021 to 26.11.2021.

4. On advance service, learned State counsel appears and opposes the petitions.

5. Perusal of the impugned list (Annexure P-3 in CWP-23935-2021) would reflect that the Selection Committee, in exercise of its power, under Rule 6(8) of the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, registration and removal of the President and member of the State Commission and District Commission) Rules, 2020, determined a criteria to be adopted by it. Rule 6(8) *ibid*, for ready reference, is as below:-

“6. Procedure of appointment.— xxxx

8) *The Selection Committee shall consider all the applications of eligible applicants referred to it and if it considers necessary, it may shortlist the applicants in accordance with such criteria as it may decide.”*

As regards the criteria, the same has been published in the advertisement itself. Relevant whereof, inter alia, reads as under:-

“10. Incomplete applications or applications not supported by requisite attested copies of documents related to different columns of application form will be rejected without assigning any reason for the same and the candidates will not be called for interview.

11. Applications complete in all respects with the application fee of Rs.2,000/- (Rs. Two thousand only) in the shape of Demand Draft only in favour of Secretary, SCDRC, Haryana payable at Panchkula, must reach in the office of the Secretary, State Consumer Disputes Redressal Commission, Haryana, Bays No.3-6, Sector-4, Panchkula-134109 latest by 08.09.2021 upto 5.00 P.M. It is made clear that the candidates must apply on the format given below, failing which their application will not be entertained. The applications received after the last date of receipt of applications, for any reason, will be rejected and the candidates will not be called for interview.

12. It is made clear that the candidates who do not enclose the documents alongwith their applications, their documents will not be considered later on.

13. The candidates will be called for interview whose applications are found complete in all respects, supported by requisite attested copies of documents relating to different columns of application format.”

6. Learned state counsel submits that petitions have been filed on a complete misunderstanding that all eligible applicants are to be interviewed. He states that each and every candidate, who has been shortlisted as per selection criteria after scrutiny of the documents in the first round, have been invited for interview in the second round.

7. The selection criteria *ibid* as published in the advertisement is not under challenge in the writ petition.

8. Being so, in view of the aforesaid statement of learned State counsel, it is expected that all those candidates who have been shortlisted as per published list (Annexure P-3 in CWP-23935-2021) shall be interviewed in the second round, as per the selection criteria.

9. In the premise, I do not find any ground to interfere. However, it is expected of the respondents to give reasons of rejection in those cases

where applications were *not incomplete or applications were duly supported by requisite attested copies of documents related to different columns of application*, in due course, with liberty to the petitioners to seek the remedy in case they have any grievance *qua* the same.

10. Disposed of, accordingly.

11. Photocopy of this order be placed on connected case file.

(ARUN MONGA)
JUDGE

November 25, 2021

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No