



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.699 OF 2022

A.Asokan

... Petitioner

Vs

1. The Union of India
Rep. by the Chief Secretary
Government of Puducherry
Puducherry.
2. The Secretary
Department of Civil Supplies and Consumer Affairs
Government of Puducherry
Puducherry.
3. The Director
Department of Civil Supplies and Consumer Affairs
Government of Puducherry
Puducherry.
4. The Deputy Director
Department of Civil Supplies and Consumer Affairs
Government of Puducherry
Puducherry.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records pertaining to the impugned Memorandum 2880/DCS and CA/ CAD/ 2020 dated 11.01.2022 issued and booked by the 3rd respondent on 13.01.2022 received by the petitioner on 15.01.2022 and quash the same and permit the petitioner to take part in the selection process and consider the same on merits to the posts of Member (Judicial) State Consumer Disputes Redressal Commission in pursuance of recruitment notification No. 2880 / DCS AND CA/ CAD/ 2020/ 7269 dated 27.10.2021 and re-notification dated 26.11.2021.



WEB COPY

For the Petitioner : Mr.B.Balavijayan
Mr.S.S.Palanivel Raja,
SPC for R1

For the Respondents : Mr.Balamurugane
2 to 4 Government Pleader (Pondy)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to question the Memorandum dated 11.01.2022 issued by the third respondent.

2. It is the case where while the petitioner was working as the President of the District Consumer Forum, he applied for the post of the Member of the State Commission and his application was rejected mainly on the ground that the petitioner remained as President of the District Commission, thus, cannot apply for the post of Member of the State Commission. The rejection is after referring to Rule 10 of the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules, 2020 [for short, "the Rules of 2020"]. For ready reference, Rule 10 is quoted hereunder:

"10.Term of office of President or Member.- The President and every member of the State Commission and the District Commission shall hold office for a term of four years or up to the age of sixty-five years, whichever is earlier and shall be eligible for reappointment for another term of four years subject to the age limit of sixty-five years, and such reappointment is made on the basis of the recommendation of the Selection Committee."

3. Rule 10 provides for term of office of the President or Member and the President and every member of the State Commission and the District Commission and for re-appointment. The denial from consideration is on the ground that the petitioner previously held the post of President of the District Commission for two terms and, therefore, in reference to Rule 10 of the Rules of 2020, he would not be eligible. We do not find a bar to apply for the post in the State Commission after completion of the tenure in the District Commission.

4. In view of the above, we do not find that the order denying consideration of the candidature of the petitioner for



his appointment as Member of the State Commission can be upheld and the same is quashed. The right of consideration has been denied without there being any disqualification/bar for the aforesaid. Merely for the reason that the petitioner held the post of President of the District Consumer Forum on two different occasions does not impose a bar for consideration of his candidature for the post of Member in the State Commission, which is a different post than held by the petitioner. Rule 10 of the Rules of 2020 provides for age, but does not impose bar for applying for the post of Member of the State Commission within the age limit.

5. Accordingly, the order under challenge is set aside and the writ petition is allowed with a direction to the respondents to consider the case of the petitioner, if he has already made an application. There will be no order as to costs. Consequently, W.M.P.Nos.749, 751 and 752 of 2022 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chief Secretary
Union of India
Government of Puducherry, Puducherry.
2. The Secretary
Department of Civil Supplies and Consumer Affairs
Government of Puducherry, Puducherry.
3. The Director
Department of Civil Supplies and Consumer Affairs
Government of Puducherry, Puducherry.
4. The Deputy Director
Department of Civil Supplies and Consumer Affairs
Government of Puducherry, Puducherry.

+1cc to the Government Pleader(Puducherry), S.R.No.21588

W.P.No.699 of 2022

MG(CO)
RLP(13/04/2022)