



W.P.No.23480 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23480 of 2017
and W.M.P.No.24638 of 2017
& W.M.P.No.8876 of 2018

V.Meenambigai

... Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government
Co-operation, Food and
Consumer Protection Department
Member – Selection Committee – cum Competent
Authority,
Fort St. George, Chennai - 600 009.
3. The Secretary to Government,
Law Department,
Member - Selection Committee
Fort St. George, Chennai - 600 009.
4. The Hon'ble State President
Chairman - Selection Committee,
State Consumer Disputes Redressal Commission
Freazer Bridge Road, Park Town,



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Chennai - 600 003.

... Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to consider the candidature of the petitioner for re-appointment as Member, District Consumer Disputes Redressal Forum in the State of Tamilnadu, in compliance of provisions in Section 10(2) of the Consumer Protection Act 1986.

For Petitioner : Mr.K.Vanangamudi

For R1 to R3 : Mr.P.Sathish
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to consider the candidature of the petitioner for re-appointment as Member, District Consumer Disputes Redressal Forum in the State of Tamilnadu, in compliance of provisions in Section 10(2) of the Consumer Protection Act 1986.

2. The writ petitioner has been appointed as Member in Consumer Disputes Redressal Forum, Dindugal, on 06.07.2012. The period of the said



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post has been expired on 05.07.2017. Hence, she has applied for the same post for subsequent years. However, her name has not been recommended by the selection committee. Therefore, she has filed this Writ Petition, seeking a direction to the respondents to consider his candidature for the post of Member in the above forum.

3. In view of specific averments in Paragraph No.6 of the counter, which reads as follows :

“6. It is true that the Selection Committee was convened on 02.05.2017 to fill up the 12 vacancies (6 Male & 6 Female) in the post of Members in various District Fora. Though the Selection Committee recommended more than 12 names for issuing appointment order for the post of Members (6 Male & 6 Female), the Government have issued appointment order only for 11 Members (6 Male & 5 Female), vide G.O.(Ms).No.91, Co-operation, Food and Consumer Protection (H1) Department, dated 10.07.2017. In this regard, it is submitted that according to Section 10 of the Consumer Protection Act, 1986 (Central Act 68 of 1986), the State Government is not bound to accept the recommendation made by the Selection Committee. The Government after



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verifying the credential antecedences of the recommended candidates to the Government and will issue orders for appointment. But, in this case, the name of the petitioner was not even recommended by the Selection Committee. Since the petitioner has gone through the selection process, she will not entitled for re-appointment unless she was successful.”

the appointment to the post of member in District Consumer Disputes Redressal Forum is based on the recommendation made by the Selection Committee and the Government is not bound by such recommendation. The Government has to take into consideration all the antecedents of the recommended candidates. As a matter of fact, the petitioner cannot seek reappointment. It is also to be noted that, now, for subsequent period also, new members have been appointed in the said forums.

4. In such view of the matter, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

15.11.2022

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Internet : Yes / No

Index : Yes / No

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Speaking order / Nonspeaking order

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N.SATHISH KUMAR, J.

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