

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

**CWP-14009-2021 (O&M)
Date of decision : 15.09.2022**

Vandna Sidhu

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mandeep K. Saajan, Advocate,
for the petitioner.

Ms. Anu Chatrath, Addl.A.G., Punjab.

None for respondent No.4.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for quashing of notice/announcement (P-5) published by respondent No.1, whereby application of petitioner has been rejected for the post of President, District Consumer Disputes Redressal Commission (for short, 'the District Commission'); further prayer is for quashing of order dated 23.06.2021 (P-7), whereby, respondent No.4 was appointed as President, District, Sangrur.

2. Facts are not in dispute.
3. Government of Punjab vide Public Notice dated 09.01.2021 invited applications for filling up 9 (nine) posts of

President, District Commissions on whole time basis and relevant part of the same reads as under:-

***“Department of Food, Civil Supplies and
Consumer Affairs, Punjab***

DETAILED NOTICE

*Applications are invited from suitable candidates for appointment for nine posts of Presidents in the District Consumer Commissions in the State of Punjab (for District Consumer Commission **Barnala, Bathinda, Fatehgarh Sahib, Sangrur, Ropar, Kapurthala, Mukatsar Sahib, Jalandhar and Faridkot**) on whole time basis established under the Consumer Protection Act, 2019. (subject to final decision in CWP 30239 of 2018 Jot Nirranjan Singh Gill Vs State of Punjab & others, and various other court cases which are pending in the Hon'ble Court).*

The number of vacancies may increase or decrease for any reason whatsoever such as resignation or relieving of Presidents or as ordered by the Hon'ble Punjab and Haryana High Court in various pending Court Cases.

Eligibility Criteria

As per rule 4 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 made under the provisions of the Consumer Protection Act 2019 describes as under:-

4(1) "A person shall not be qualified for appointment as President, unless he is, or has been, or is qualified to be a District Judge."

Tenure

The appointment shall be on whole time basis for a period of 4 years or up to the age of 65 years, whichever is earlier.

Qualifications

1. The Applicant must have passed Matriculation with Punjabi as one of the compulsory or elective subject or any other equivalent examination in Punjabi language.

2.1 in case of serving officials:-

(i) Applicant must have obtained 'No Objection Certificate' (NOC) from his employer.

(ii) In case any departmental or any other proceedings including criminal case has been initiated, pending or decided in the past against the officer under relevant Service Rules, details of the same may be furnished.

2.2 In case of retired officers, the date of superannuation and "No Inquiry Certificate" shall be necessary from the last employer.

2.3 ACR dossiers with ACRs of last 10 years of applicant.

2.4 Candidates having judicial background are required to furnish copies of their ten best judgments/other judicial orders passed by them along with their application form.

3. Selection of the Members of the District Commission shall be made by the Selection Committee prescribed in the Rule 6 of the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the Presidents and members of the State Commission and District Commission) Rules, 2020 made under the provisions of the Consumer Protection Act 2019.

4. *Every appointment of a Member shall be subject to submission of a certificate of physical fitness signed by a civil surgeon or District Medical Officer to his medical fitness.*

5. *Before appointment, the selected candidate shall have to furnish an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Member.*

Oaths of office and secrecy:- Every person appointed to be a Member, before entering upon his office make and subscribe an oath of office and secrecy in Forms I and II annexed.

Declaration of Financial and other interest:-A Member, before entering upon his office, declare his assets, and his liabilities and other interests.

Disqualifications:-

A person shall be disqualified for appointment as a member, if he:-

(a) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(b) has been adjudged as an insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the State Government or Central Government or A body Corporate owned or controlled by such Government; or

(e) has, in the opinion of the State Government, such financial or other interest as is likely to prejudicially affect his functions as the Member.

The selection of member or the president shall be regulated as per the provision of Rule 4(3) of Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the Presidents and members of the State Commission and District Commission) Rules, 2020. Meaning thereby that selection of woman member or women president shall be dependent on the constitution of the District Commission.

All other terms and conditions of the appointment of the Member shall be governed by the Consumer Protection Act, 2019 as well as the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the Presidents and members of the State Commission and District Commission) Rules, 2020 available at website www.foodsuppb.gov.in

It is made clear only applications filled online at link available at www.foodsuppb.gov.in till the cut off date i.e 10/02/2021 till 5:00 PM and complete in all aspects with application fee of Rupees 2000/- (Rupees Two thousands Only) paid online and with requisite documents attached shall be considered. Any application found incomplete in this regard, would be rejected in scrutiny and no intimation regarding the same shall be sent to applicant.

*Principal Secretary to Govt. of Punjab
Department of Food, Civil Supplies &
Consumer Affair”*

4. In response to the aforesaid public notice, petitioner along with others including respondent No.4 submitted applications within stipulated period. However, after scrutiny of applications, the

Department published a list of applicants who were found **not** eligible as per the Consumer Protection Act, 2019 (for short, ‘the Act of 2019’) vide notice/announcement (P-5).

5. Meanwhile, the respondents also uploaded a provisional list of 42 (forty two) candidates for interview which was scheduled to be held on 02.04.2021 in the following manner:-

“Schedule of Interviews

***Venue:Committee Room of Hon’ble High Court of
Punjab and Haryana at Chandigarh***

<i>Date</i>	<i>Roll Nos.</i>	<i>Reporting Time</i>
<i>02.04.2021</i>	<i>01 to 21</i>	<i>9.00 A.M. (in Court Room No.5)</i>
	<i>22 to 42</i>	<i>11.00 A.M. (in Court Room No.5)</i>

”

6. Upon assessing suitability of all the eligible candidates, Selection Committee made district-wise recommendation in order of merit and forwarded the same for appointment to State Government through Registrar General of this Court vide communication dated 06.04.2021. For reference, relevant part of the recommendations reads as under:-

“The Committee has perused the Roll Number wise final result as at Annexure ‘B’ and District wise Merit List of Ropar, Kapurthala, Fatehgarh Sahib, Jalandhar, Sangrur, Barnala, Bathinda, Sri Muktsar Sahib and Faridkot as at Annexures ‘C’ to ‘K’, respectively, and the same are approved. The Committee resolves to recommend the following panel of names, in order of merit, for District-wise appointment, as under:-

Ropar

1. *Sh. Kuljit Pal Singh*
2. *Sh. Ranjit Singh*
3. *Ms. Vikramjit Kaur Soni*

Kapurthala

1. *Sh. Rajesh Bhatia*
2. *Ms. Sunita Kumari Sharma*
3. *Sh. Lalit Pathak*

Fatehgarh Sahib

1. *Sh. Kamal Kant*
2. *Sh. Pushvinder Singh*
3. *Sh. Inderjit Kaushal*

Jalandhar

1. *Ms. Harveen Bhardwaj*
2. *Sh. Chander Shekhar Marwaha*
3. *Sh. Aanand Sagar Narang*
4. *Sh. Jagdeep singh Marok*

Sangrur

1. *Sh. Sant Prakash Sood*
2. *Ms. Amrit Anjana*
3. *Sh. Kanwaljeet Singh*

Barnala

1. *Sh. Sanjay Kumar Sachdeva*
2. *Sh. Ashish Kumar Grover*
3. *Sh. Tejinder Singh Sidhu*

Bathinda

1. *Ms. Gagandeep Gosal*
2. *Sh. Phool Singh*
3. *Sh. Kanwar Sandeep Singh*

Sri Muktsar Sahib

1. *Sh. Ashok Kumar Garg*
2. *Ms. Sukhdeep Kaur*
3. *Sh. Rajinder Kumar Sachdeva*

Faridkot

1. *Sh. Rakesh Kumar*
2. *Sh. Gurpal Singh*
3. *Sh. Ajit Aggarwal*

The recommendation of the names is as per their ranking in merit for the purpose of appointment. The appointment shall be offered to the candidates after thorough scrutiny of documents.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman”

7. Feeling aggrieved against rejection of her application, petitioner submitted representation dated 03.05.2021 (P-6), but did not get any positive response from the official respondents.

8. After taking into consideration the above recommendation, the State Government, vide order dated 11.06.2021, shortlisted total 8 candidates for medical examination. However, finally seven candidates, including respondent No.4, were offered appointment vide order dated 23.06.2021.

9. Hence, present writ petition.

10. It is contended by learned counsel for the petitioner that she enclosed all the relevant documents with her application form as per the terms and conditions mentioned in the advertisement dated 09.01.2021, but the same has been illegally rejected while passing the impugned order.

11. On the other hand, learned State counsel opposed the prayer of petitioner while submitting that she did not attach the relevant

documents along with her application and as such her candidature has rightly been rejected.

12. Heard learned counsel for the parties and perused the paper-book.

13. It is not in dispute that petitioner applied for the post of President, District Commission, Sangrur. The Selection Committee after assessing the suitability of eligible candidates made recommendation for District Sangrur and whose details are as under:-

District Sangrur

1. Sant Prakash Sood
2. Amrit Anjana
3. Kanwaljeet Singh

During the course of hearing, it was apprised by learned State counsel that although, Sh. Sant Prakash Sood, joined against the post in question, but later on he resigned. If that be so, then there are two other persons in the merit list i.e. Amrit Anjana and Kanwaljeet Singh, but none of them has been impleaded as party-respondent by the petitioner.

14. Still further, from perusal of record, it is nowhere discernable that petitioner had attached the experience certificate as an advocate from the Bar with her application form. Even otherwise, after going through column No.15 of application form (P-3), it is apparently clear that petitioner herself stated that no experience is required to be uploaded for the post; thus the stand of petitioner that she duly

appended the experience certificate along with application is belied by her own recital in the application.

15. Above all, the impugned order dated 23.06.2021 has been quashed and set aside by this Court while allowing CWP-11409-2021 titled as **Kamal Kant and others Vs. State of Punjab and others** vide order of even date.

16. As a result thereof, there is no option except to dismiss the present writ petition.

17. Ordered accordingly.

15.09.2022
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No