

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17792-2021 (O&M)
Date of decision : 15.09.2022

Taranjit Singh @ Tarnjit Singh ...Petitioner(s)

Versus

State of Punjab and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Joginder Pal Devgan, Advocate,
for the petitioner.

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

Mr. Amrik Singh, Advocate,
for respondent No.5.

Mr. Ishan Gupta, Advocate,
for respondent No.7.

Mr. Jasmail Singh Brar, Advocate,
for respondent No.8.

Mr. Khushpal Singh Dhanju, Advocate,
for respondent No.9.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution for quashing of the impugned letter dated 06.04.2021 (P-8), whereby, names of candidates have been recommended randomly for appointment to the post(s) of President, District Consumer Disputes Redressal Commission (for short, 'the President, District Commission') without disclosing their merit position; further prayer is for quashing the impugned order dated 11.06.2021 (P-9)

issued by the respondent No.3, whereby, private respondent Nos.4 to 9 were shortlisted for appointment to the said posts; also prayed for quashing the impugned order dated 23.06.2021 (P-10) vide which private respondent Nos.5 to 9 have been appointed to the post(s) in question; lastly prayed for directing the respondents to fill up 09 posts of President, District Consumer Disputes Redressal Commission in accordance with 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').

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*

Niranjan 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 other candidates, including respondent Nos. 4 to 9 submitted application within stipulated period. After scrutiny of applications, the Department 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>

”

5. Upon assessing suitability of all the eligible candidates, the Selection Committee made district-wise recommendation in order of merit and forwarded the same for appointment to the State Government through Registrar General of this Court vide communication dated 06.04.2021 (P-8). For reference, relevant part of the recommendation 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”

6. After taking into consideration the above recommendation, the State Government, vide impugned order dated 11.06.2021, shortlisted total 8 candidates, including respondent Nos.4 to 9 for

medical examination. Finally, seven candidates, including respondents Nos.5 to 9 were offered appointment vide order dated 23.06.2021.

7. Feeling aggrieved against the action of the official respondents, petitioner submitted representation dated 15.08.2021 (P-11), but no decision was taken in the matter by quarter concerned; hence, present writ petition.

8. It is contended by learned counsel for the petitioner that he performed very well before the Selection Committee, but has been ignored only on the premise of being too young. Also contended that Selection Committee wrongly recommended the names of candidates for the post(s) of President, District Commission without disclosing their actual merit. Further contended that official respondents without taking into consideration the actual merit and by adopting pick & choose policy, shortlisted the private respondents vide letter dated 11.06.2021 and appointed them vide order dated 23.06.2021 in an illegal manner, being in contravention of the Rules of 2020.

9. On the other hand, learned State counsel while opposing the prayer submitted that petitioner was duly assessed by the Selection Committee as per criteria and procedure laid down for the post(s) in question, but out of total 100 marks, he secured only 31.5 marks; whereas, the last candidate whose name was recommended secured 53.5 marks. Also contended that neither the Selection Committee has been impleaded as party-respondent; nor there is any allegation of *mala fide* against its members; thus, the writ petition is liable to be dismissed.

10. Heard learned counsel for the parties and perused the records.

11. It is not in dispute that petitioner participated in the selection process for the post of President, District Commission, Kapurthala and after assessment by the Selection Committee, out of 100 marks, he was awarded 31.5 marks. It is also duly proved from record that three candidates who were recommended by the Selection Committee secured more marks than the petitioner. For reference, comparative merit position of petitioner vis-à-vis recommended candidates would be as under:-

District Kapurthala		
Name	Total Marks	Merit Position
Rajesh Bhatia	70.5	1
Sunita Kumari Sharma	60	2
Lalit Pathak	53.5	3
Taranjit Singh @ Tarnjit Singh	31.5	Not recommended by the Selection Committee

From perusal of above tabulation, it is apparently clear that petitioner was having lesser marks than all the three recommended candidates.

12. It is noteworthy that for the post of President, District Commission, Kapurthala, candidate at Sr. No.3-Lalit Pathak was appointed by the State Government; however, this Court, while allowing CWP No.11409-2021 titled as **Kamal Kant and others Vs.**

State of Punjab and others has quashed and set aside the appointment orders thereby observing as under:-

“26. As a result thereof, writ petition is allowed; impugned orders dated 11.06.2021 & 23.06.2021 are quashed and set aside; the State Government is directed to proceed in the matter afresh, strictly in accordance with the recommendation dated 05.04.2021 made by the Selection Committee, duly conveyed vide communication dated 06.04.2021.”

13. Even the argument that petitioner was ignored solely on the basis of being too young, goes unsubstantiated; hence, rejected.

14. In view of the above, there is no option except to dismiss the present petition.

15. Ordered accordingly.

15.09.2022
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No