

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7470 of 2018

Archana Singh @ Archana Kumari Wife of Dr. Dinesh Kumar Singh,
Resident of Chandralok Chowk, Chadralok Colony, P.S.- Kazimohammadpur,
District- Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar through the Law Secretary, Government of Bihar, Patna.
2. The Chairman Selection Committee, State Consumer Dispute Redressal Commission, Patna.
3. The Registrar, State Consumer Dispute Redressal Commission, Patna.
4. The Chairman Screening Committee, District- Consumer Forum, Muzaffarpur.
5. The Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
6. The Additional Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
7. The Director, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
8. The District Magistrate, Muzaffarpur.
9. The District Supply Officer, Muzaffarpur.
10. The Sub-Divisional Officer, East, Muzaffarpur.
11. Gyatri Kumari, Wife of Nagendar Prasad Singh, Resident of Mohalla Aam Gola, North of Orient Club, P.S.- Kazimohammadpur, District- Muzaffarpur.
12. The Special Work Officer, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
13. The Public Information Officer, State Consumer Dispute Redressal Commission, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Akash Deep, Advocate Mr.Shashank Chandra, Advocate
For the State Commission:		Mr.Sanjay Singh Thakur, Advocate
For the State	:	Mr.Arvind Ujjwal, SC-4 Mr. U.P. Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioner, learned
counsel for the respondent nos. 2 & 3 as also Mr. Arvind Ujjwal,
learned SC-4 for the State.



2. Petitioner, in the present case, is seeking a writ in the nature of writ of mandamus commanding the respondent no. 3 to produce the recommendations sent by respondent no. 2 to the respondent no. 5 for appointment of respondent no. 11 as Female Member, District Consumer Forum, Muzaffarpur in pursuance of Advertisement No. 6866 dated 23.09.2016. Further prayer of the petitioner is that on production of the recommendation, the same be quashed by this Court.

3. The petitioner further prays for quashing of letter no. 1035 dated 28.03.2018 (Annexure '10') issued by the Director-cum-Additional Secretary, Department of Food and Consumer Protection, Government of Bihar whereby the District Magistrate, Muzaffarpur has been directed to submit a verification report as to the credentials of respondent no. 11 for being appointed as Female Member, District Consumer Forum, Muzaffarpur.

4. Learned counsel for the petitioner submits that contrary to the recommendations, respondent no. 11 was appointed as Female Member of the District Consumer Forum, Muzaffarpur. The appointment letter was issued on 25.04.2018, which was in complete violation of the interim order of this Court passed on 20.04.2018 directing the respondents to



maintain status quo as on the said date.

5. Learned counsel further submits that pursuant to the appointment of respondent no. 11 on 25.04.2018, she joined the Forum on 01.05.2018, but in view a contempt proceeding brought before this Court in MJC No. 1502/2018, whereby and whereunder this Court took note of the fact that the opposite party no. 4 had brought on record an order dated 10.05.2018 by which respondent no. 11 had been restrained from joining the post of Female Member of the District Consumer Forum, Muzaffarpur. The contempt application was, therefore, dropped.

6. Learned counsel submits that in such circumstance, no doubt a period of more than five years have elapsed but because the appointment was for a period of five years from the date of joining, the subject matter of the *lis* still survives and in case the petitioner succeeds, her candidature may be considered.

7. Contrary to the aforesaid submissions, learned counsel for the respondent no. 2 & 3 submits that during the intervening period the Consumer Protection Act, 1986 has been repealed and it has been replaced by the Consumer Protection Act, 2019. It is submitted under the new Act, fresh selection process is required to be started.

8. Learned counsel further submits that this petitioner



was a member of the District Consumer Forum, Muzaffarpur during the period 2011-2016 for a period of five years. During this period while sitting as a Member of the Forum, she heard the case of her own husband being Complaint Case No. 149/2011 (Dinesh Kumar Singh Vs. Bank of Maharashtra and others) and decided the same on 09.05.2015. Thus, her conduct is quite unbecoming of a Member of the judicial Forum. It is submitted that it is case of grave misconduct on the part of the petitioner.

9. As regards respondent no. 11, it is her statement that her name was recommended by the selection committee following due process and no discrimination was made in the matter.

10. Having regard to the facts and circumstances of the case and the pleadings available on the record, this Court finds that there is an undisputed fact that this petitioner being a member of the District Consumer Forum, Muzaffarpur, heard a case of her own husband and decided the same.

11. To this Court, there is no iota of doubt that such conduct of the petitioner shall be a matter of concern for the appointing authority. The petitioner cannot claim her selection as a member of the Forum as a matter of right that too in a kind



of conduct shown by her. This Court further finds that from the date of appointment of the respondent no. 11 and the order of restraint imposed upon her from joining, a period of five years have gone, under these circumstances, it is for the competent authority/respondents to take a decision with regard to the fate of respondent no. 11 and/or a new selection process to be initiated in the matter.

12. This Court will not form any opinion on this issue at this stage. This Writ Application has no merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J.)

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