

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

929 WRIT PETITION NO.10792 OF 2023

**MEGHA VIJAY GARUD
VERSUS
UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER**

**AND
WRIT PETITION NO.5397 OF 2023 WITH CA/7594/2023
WITH WP/5300/2023**

**NITA KANTILALJI KANKARIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. K.J. Ghute Patil h/f. Nagarkar Kiran M.
AGP for Respondents/State : Mr. S.K. Tambe
Advocate for Respondents/UoI : Mr. A.G. Talhar DSGI a/w. B.M. Dhanure

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**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 31st August, 2023**

PC. :-

1. On request, Writ Petition No.5397/2023 and Writ Petition No.5300/2023, which are not on board, to be taken on board by consent.
2. Issue notice to the Respondents. The learned Standing Counsel for the Union of India waives service of notice on behalf of Respondent No.1 and the learned AGP waives service of notice on behalf of Respondent No.2.

3. The Petitioner in Writ Petition No.10792/2023 is a Member of the District Consumer Forum, Beed in the State of Maharashtra and she is working out her first term. There is no dispute that Rule 10 (2) of the Consumer Protection Rules, 2020 permit the case of the Petitioner to be considered for reappointment on the basis of the recommendation of the Selection committee subject to the age limit of 65 years.

4. Rule 10(1) and (2) read as under:

“10. Term of office of President or Member. -

(1) The President of the State Commission shall hold office for a term of four years or upto the age of sixty-seven years, whichever is earlier and shall be eligible for reappointment for another term of four years subject to the age limit of sixty-seven years, and such reappointment shall be made on the basis of the recommendation of the Selection Committee.

(2) Every member of the State Commission and the President and every member of the State Commission and the President and every member of the District Commission shall hold office for a term of four years or upto 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 shall be made on the basis of the recommendation of the Selection Committee.”

5. It is, thus, apparent that the Petitioner in Writ Petition No.10792/2023 as well as the Petitioners in Writ Petition No.5397/2023 and

Writ Petition No.5300/2023, have completed their first tenures and none of them are 65 years old. They have applied for reappointment, which is in conformity with Rule 10. The Selection committee has to consider their cases by making an individual scrutiny and assessment.

6. In view of the above, we do not find any reason to keep these petitions pending considering that the Principal Seat as well as the Nagpur Bench and this Bench has been granting limited reliefs to such Petitioners, viz. to be continued as special cases until the freshly selected candidates are appointed, so as to avoid any vacancy or vacuum.

7. In view of the above, **this petitions are disposed off** with the following directions:

a) Akin to the orders passed by the Principal Seat and the Benches of this Court, the Petitioners would be continued until freshly selected / appointed candidates are deployed.

b) The Selection committee, in view of the Petitioners having applied for reappointment, shall consider such applications in the light of Rule 10 of the 2020 Rules and their eligibility for reappointment.

c) We make it clear that we have not expressed any opinion about the merits of the candidatures of these Petitioners for reappointment and the same

shall be exclusively left to the wisdom of the selection committee to take a decision, only in such cases who have applied for a reappointment.

d) We request the learned AGP to intimate this order to the Competent Authorities.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]