

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18099 of 2024

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Baua Jha Son of Madan Mohan Jha, Resident of Village- Raghopur,
P.S.- Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi.
2. The Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
3. The Director, Directorate of Consumer Protection, Food and Consumer Protection Department, Govt. of Bihar, Patna.
4. The Registrar, State Consumer Disputes Redressal Commission, R. Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG
For the State Commission: Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 08-12-2025 The present writ application has been filed in the

form of a Public Interest Litigation (PIL) for the following
reliefs:-

*(i) For necessary direction upon the
respondent authorities to allow the
retiring Presidents and Members of the
District Consumer Disputes Redressal
Commissions in Bihar and the State
Consumer Disputes Redressal
Commission, Bihar to continue on their*



posts until fresh appointments are made subject to final decision in SLP No. 25612/2023(Ganeshkumar Rajeshwarrao Selukar and others Vs. Mahendra Bhashkar Limaye and others).

(ii) For declaring the Rule-10 of the Consumer Protection (Qualification for Appointment, Method of Recruitment, Procedure of Appointment, Term of Office, Resignation and Removal of President and Members of the State Commission and District Commission) Rule, 2020 (hereinafter to be referred to as 2020 Rules), which provides for a term of four years for the Members and President of the State Commission and District Commission to be not applicable in view of the same being struck down by the Nagpur Bench of the Hon'ble Bombay High Court.

(iii) For declaring that provision of Rule-10 of Consumer Protection (Qualification for Appointment, Method of Recruitment, Procedure of Appointment, Term of Office, Resignation and Removal of President and Members of the State Commission and District Commission) Rule, 2020, which provides for the maximum age limit of 65 years for the President and Members to hold the post to be not applicable till the issue is finally decided by the Hon'ble Supreme Court.

(iv) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.

2. A supplementary counter affidavit has been filed on behalf of the Respondent Nos. 2 & 3, wherein the



following statements have been made in paragraph nos. 6 & 10:-

"6. That vide Letter No. 5167 dated 29.11.2024 the department of deponent has sent the requisition before the Bihar Public Service Commission, Patna for issuance of advertisement related to appointment for the judicial member of one post in the State Consumer Dispute Redressal Commission and for of the President & Member against the vacant posts of the District Consumer Disputes Redressal Commission vide Letter No. 5457 dated 20.12.2024 the department of deponent requested the Bihar Public Service Commission, Patna to provide the up to date status of process of appointment of the judicial member against the vacant posts of the State Consumer Disputes Redressal Commission and the President & Member of the District Consumer Disputes Redressal Commissions on the requisition as earlier sent.

10. That it is further submitted that the BPSC has conducted the examination on 03.05.2025, 04.05.2025 and 05.05.2025 appointment of the judicial member in the State Consumer Redressal Commission as well as for the appointment of 18 and 38 member in the District Consumer Redressal Commission."

3. Considering the fact that the process for appointment of President and Members has already been initiated by the Bihar Public Service Commission and is presently underway, no further order is required to be passed in this writ application.



4. The writ application is, accordingly, disposed of.

5. It is expected that the authorities concerned shall make all earnest efforts to ensure that the appointments are finalized at the earliest.

6. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Vanisha/Sujit

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