IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 540 of 2026

1. The State of Jharkhand through the Secretary, Department of Food, Public Distribution and Consumer Affairs, having its office at Project Bhawan, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand
2. The Deputy Secretary, Department of Food, Public Distribution and Consumer Affairs, having its office at Project Bhawan, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand... ... **Appellants**

Versus

1. Suresh Chandra Jaiswal, aged about 67 years, son of Sri Lalji Jaiswal, resident of Nauperwa, P.O. Nauperwa, P.S. Baxa, District Jaunpur, Uttar Pradesh-222109
2. Union of India through the Secretary, Ministry of Consumer Affairs, Food, Public Administration, Department of Consumer Affairs, having its office at Room No.456C, Krishi Bhawan, Dr. Rajendra Prasad Road, Opp. Rail Bhawan, Rajpath Area, Central Secretariat, P.O. & P.S. Central Secretariat, District New Delhi

…... ….. …. **Respondents**

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants : Mr. Mrinal Kanti Roy, Advocate
Mr. Rishi Ranjan Vats, Advocate
For the Respondent-UOI : Mrs. Bakshi Vibha, Advocate

03/ Dated: 29.09.2026

I.A. No.14113 of 2026

1. Mr. Mrinal Kanti Roy learned counsel for the applicants, on instruction, seeks leave to withdraw I.A. No.14113 of 2026.

2. Accordingly, leave is granted and I.A. No.14113 of 2026 is disposed of as withdrawn.

L.P.A. No. 540 of 2026

3. Heard Mr Mrinal Kanti Roy, who appears with Mr Rishi Ranjan Vats for the appellants and Mrs. Bakshi Vibha for the Union of India.

4. This appeal challenges the learned single Judge's order dated 14.05.2026 in W.P. (S) No. 7374 of 2025 instituted by the 1st respondent.

5. The operative portion of the learned single Judge's impugned order, *inter alia*, directs the appellant to continue the appointment of the 1st respondent as the President of the Jamtara District Consumer Disputes Redressal Commission until the completion of the recruitment process under the new rules by relying upon the decision of the Hon'ble Supreme Court in the case of ***Ganeshkumar Rajeshwarrao Selukar and Ors. v. Mahendra Bhaskar Limaye and Ors***. [**2025 INSC 752].**

6. Mr Mrinal Kanti Roy, learned counsel for the appellants-State, submits that the learned Single Judge has misinterpreted the decision of the Hon'ble Supreme Court in ***Ganeshkumar (Supra).*** He submitted that the Hon'ble Supreme Court has clarified that this judgment would apply prospectively. He submitted that this would mean only the Presidents of the District Fora who were in service as on 21.05.2025 would be allowed to continue. He submitted that the 1st respondent's tenure ended on 30.12.2024 and, therefore, there

was no question of his claiming any benefit of the directions in ***Ganeshkumar (Supra).***

7. Mr Roy placed on record the communication dated 08th September 2026 addressed by the Union of India to its Advocate and contended that even the Union of India supported the construction now advanced by him. Besides, Mr Roy pointed out that the charge of the post of President of the Jamtara Consumer Forum had already been handed over to Sri Vidhan Chandra Choudhary, who was otherwise a regularly appointed President of the East Singhbhum District Forum in the State of Jharkhand. Accordingly, he submitted that there could be no apprehension about the effective functioning of the District Fora within the State of Jharkhand.

8. Mr Roy submitted that for the above reasons, the learned Single Judge's order warranted interference.

9. In ***Ganeshkumar (Supra),*** the Hon'ble Supreme Court considered several issues relating to the functioning of the State Commissions and the District Forum under the Consumer Protection Act, 2019. One issue concerned the invariable delays in filling vacancies to the posts of President and Member, and the impact of the appropriate Governments' failure to fill such vacancies on the functioning of the Commissions and the Fora constituted under the said Act.

10. The Hon'ble Supreme Court, *inter alia*, issued several directions regarding the status of appointments to the posts of Presidents and Members of the State and District Commissions. Since in this matter we are concerned with the position of the President of the District

Forum, who was appointed and serving prior to the decision of the Hon'ble Supreme Court in the case of **Secretary, Ministry of Consumer Affairs Versus Dr Mahindra Bhaskar Limaye and Others (*Limaye-I), reported in* [(2025) 9 SCC 624]**, we transcribe such directions for the convenience of reference: -

3. Presidents and Members of the State and District Commissions who have been appointed and serving prior to ***Limaye-I (Supra)***	*They shall be allowed to complete their tenure in entirety. In the event of their tenure ending before the completion of the recruitment process under the new Rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process.*
4. Presidents of the State and District Commissions, and the Judicial Members of the State Commission, in other States, with/without having given the written examination followed by a viva voce.	*(a) Those who are appointed and serving shall be allowed to complete their tenure in entirety.* *In the event of their tenure ending before the completion of the recruitment process under the new Rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process.* *(b) Those who have been selected, but not appointed, on account of the concerned States having stayed the appointment process during the pendency of these appeals, shall be appointed to the respective post, and shall be allowed to continue in office till the entirety of their tenure.*

11. The Hon'ble Supreme Court delivered the decision in ***Limaye-I (Supra)*** on 3rd March 2023. In this case, there is no dispute that the

1st respondent was appointed prior to 03rd March 2023, i.e. on 03rd November 2021. The 1st respondent joined as President of the Jamtara District Forum on 09th November 2021. There is also no dispute that, in terms of his appointment, his tenure ended on 30th December, 2024, upon attaining the age of superannuation, i.e. 65 years.

12. Further, admittedly, the 1st respondent's tenure ended before the completion of the recruitment process under the new rules to be notified. Still, the appellants did not permit the 1st respondent's appointment to continue until the completion of the said recruitment process. Therefore, the 1st respondent instituted the writ petition, W.P(S) No. 7374 of 2025, in which the learned Single Judge passed the impugned order.

13. The Hon'ble Supreme Court, after paraphrasing the summary of reliefs, issued the following clarification: -

> *"We make it clear that for all those appointments which have been allowed to continue vide this judgment, the tenure shall be a period of 4 years. Such persons shall not be entitled to claim the benefit of this judgment qua a five-year tenure, subject to the directions issued hereinabove.* ***We also make it clear that this judgment shall apply prospectively, except to the extent indicated in the directions hereinabove."***

14. Mr Roy stresses the emboldened lines quoted above, in which the Hon'ble Supreme Court has clarified that this judgment shall apply prospectively, "*except to the extent indicated in the directions hereinabove".*

15. From the above, the learned single Judge has concluded that the judgment in ***Ganeshkumar (Supra)*** shall no doubt apply prospectively, *"except to the extent indicated in the directions indicated therein".* One of the directions related to the Presidents of the District Fora who were appointed and serving prior to ***Limaye-I (Supra).*** Admittedly, such direction applied to the 1st respondent because he was appointed and was serving prior to ***Limaye-I (Supra)*** i.e. 03rd of March 2023.

16. The direction commanded the appellants to allow such Presidents to complete their tenure in its entirety. Further, if their tenure ends before the completion of the recruitment process under the new rules to be notified, their appointment shall continue until the completion of the said recruitment process.

17. Admittedly, the 1st respondent's tenure ended before the completion of the recruitment process under the new rules to be notified. Accordingly, the appellants were duty-bound to allow his appointment to continue until the completion of the said recruitment process. Because this was not done, the learned Single Judge intervened and directed compliance.

18. This is not a case where the Hon'ble Supreme Court provided some unconditional prospective application to its decision in **Ganeshkumar (*Supra*)**. The Hon'ble Supreme Court clarified that this judgment was to apply prospectively, except to the extent indicated in the directions hereinabove. This means that wherever the circumstances referred to in the directions applied, such

directions had to be complied with, and such compliance could not be avoided on the grounds of some unconditional prospectivity argument now advanced by the appellants herein.

19. In any event, harmonious construction would support the 1st respondent's case about conditional prospectivity. The view taken by the learned Single Judge, in our judgment, therefore, suffers from no error warranting interference.

20. Mr Roy submitted that the Hon'ble Supreme Court's clarification about prospectivity will have to be given due weight. There is no doubt about such a proposition. In fact, every word reflected in the Hon'ble Supreme Court's judgment will have to be given due weight. However, if Mr Roy's argument is accepted, then the words "except to the extent indicated in the directions hereinabove" would be rendered almost futile. This would run contrary to Mr Roy's argument that every word in the decision of the Hon'ble Supreme Court deserves due weight. In any event, it is well settled that the decisions of the Courts are not to be read and construed like statutes.

21. The communication dated 8th September 2026 addressed by the Union of India to its Advocate should, in fact, never have been produced before this Court, because it is merely an opinion expressed by the Under Secretary to the Government of India. Such opinions do not bind Courts of law; besides, they could be regarded as a privileged communication between the Union of India and its Advocate.

22. The contention that the Jamtara District Forum is functioning quite efficiently even in the absence of the President, or because a charge has been handed over to Sri Vidhan Chandra Choudhary, can hardly be a ground to act in defiance of the directions issued by the Hon'ble Supreme Court. Sri Vidhan Chandra Choudhary is a regularly appointed President of the East Singhbhum District Forum. He has now been given the additional charge of working as President of the Jamtara District Forum. In our view, this will adversely affect the functioning of both District Fora.

23. Besides, we fail to understand how the State Government can claim to be aggrieved by a direction that will only promote the effective functioning of the District Fora in the State. On one hand, the rules are not being notified and regular appointments made and on the other hand, the State, which is otherwise duty-bound to ensure the effective functioning of the State Commission and the District Fora as constituted under the Consumer Protection Act, 2019, challenges an order which only continues the appointments of the President and other Members until regular appointments are made, provided, no doubt, the contingencies referred to in **Ganeshkumar (S*upra*)** are fulfilled.

24. Accordingly, we are satisfied that no case is made out to interfere with the learned Single Judge's order. This appeal is liable to be dismissed and is hereby dismissed without any order for costs.

25. Despite the learned Single Judge's rejection of interim relief, the directions have not been complied with.

26. Accordingly, we direct compliance within a week from the date of uploading of this order. No costs.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 29, 2026
BS/Madhav/-
Uploaded on: 07/10/2026