
(2009) 04 OHC CK 0075
In the Orissa High Court

Atulya Kumar Pujari and Another

APPELLANT

Vs

State of Orissa and Others

RESPONDENT

Date of Decision : 02-04-2009

Acts Referred:

Consumer Protection Act, 1986 — Section 10, 2

Citation : AIR 2009 Ori 171 : (2009) CLT 116 Supp : (2009) 1 OLR 1061 Supp : (2009) OLR 116 Supp

Hon'ble Judges : Sanju Panda, J;I.M. Quddusi, J

Bench : Division Bench

Judgement

I.M. Quddusi, J.—These are two writ petitions filed against the common advertisement issued by the Director, Consumer Affairs-cum-Joint Secretary to Government, Food, Supplies and Consumer Welfare Department, annexed as Annexure-1 to each of the writ petitions inviting applications for filling up of the post of President and Member of District Consumer Forums of various districts including, the district of Deogarh. W.P.(C) No. 15244-of 2006 has been filed by one Atulya Kumar Pujari who was appointed as President, District Consumer Forum, Deogarh vide order dated 12-7-2001 whereas W.P.(C) No. 15251 of 2006 has been filed by one Chitta, Ranjan Khadiratna who was appointed as Member, District Consumer Forum, Deogarh vide order dated 14-9-2000. The aforesaid appointments were made on ad hoc basis. However, it is the case of the petitioners that they continued for a period of five years as provided in Section 10(2) of the Consumer Protection Act, 1986. It is therefore necessary to reproduce Section 10(2) which is as under:

(2) Every Member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years, which ever is earlier.

According to the third proviso to sub-Section (2) of Section 10, a person appointed as the President or as a Member, before the commencement of the Consumer Protection (Amendment) Act, 2002. shall continue to hold such office as President or Member, as the case may be, till the completion of his term. It is

necessary to mention here that "Member" has been defined in Clause (jj) of Section 2 of the Consumer Protection Act, 1986 according to which "Member" includes the President and a Member/of the National Commission or a State Commission or a District Forum, as the case, may be. Therefore, the word "Member" denotes not only Member but also President of, the District Forum.

2. Needless to mention here that pursuant to the advertisement in question, the petitioners appeared before the Selection Committee meaning thereby that they participated in the selection and they are aggrieved because the result of the selection has not been disclosed.

3. In the counter affidavit filed on behalf of opposite party Nos. 1 and 2, it has been mentioned that the Government after careful consideration has asked the Selection Committee to reconsider the proposal regarding recommendation of the name of the petitioner for appointment as President and Member of the District Consumer Forum, Deogarh. Thereafter the views of the Government was placed before the Selection Committee and the Selection Committee held on 26-9-2006 recommended to go for fresh advertisement to fill up the post of President and Member in the District Forum, Deogarh and the recommendation has been approved by the State Government.

4. In view of the above mentioned facts and circumstances, there is no cause for interference by this Court in the matter. There is no illegality committed by the opposite parties or the Selection Committee in taking such decision. The same is also not within the scope of judicial review of this Court. However, we dispose of these writ petitions with a direction that in case no decision has been taken pursuant to the decision taken in the Selection Committee held for the selection of the Members and President of District Forum, Deogarh, the decision shall be taken by the opposite parties as early as possible latest by the end of April, 2009.

Sanju Panda, J.

5. I agree.