

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****PUBLIC INTEREST LITIGATION NO. 156 OF 2011**

Mumbai Grahak Panchayat & Anr.

..Petitioners

versus

State of Maharashtra & Ors.

..Respondents

Mr. U. P. Warunjikar for Petitioners.

Mr. N. P. Deshpande - Assistant Government Pleader for State -
Respondents.**CORAM : D. D. SINHA, Acg. C.J. & K. K. TATED, J.****DATE : 21 December 2012****P.C. :**

Heard the learned counsel for the petitioners and the learned
Assistant Government Pleader for the State.

2. The grievance of the petitioners is already mentioned in the earlier Order passed by this Court. The concern of this Court in not filling the vacancies are also expressly mentioned in the earlier Order passed by this Court. The learned Assistant Government Pleader has filed additional affidavit dated 20.12.2012 in the court today, which is taken on record. In

paragraph 2 of the affidavit, Registrar (Legal) State Consumer Disputes Redressal Commission, has observed thus :

“2. I say that the total number of posts of the Presidents of the District Forum all over the State of Maharashtra is 40. These posts fall in two categories. Category No.1 is of the sitting and/or retired District Judges Category. The number of vacancies of this category is 19. The second category is Advocates by nomination. The total number of vacancies in this category is 15. It is submitted that the oral interview of the category No.1 was held on 24-7-2012 and 1-12-2012. For which 17 candidates appeared. For the second category, the interview were held on 1st of December, 2012. For this 21 candidates appeared. The total number of vacancies for non judicial member is 55. For the viva voce examination held on 3rd December 2012 for this category, 24 candidates appeared. I am annexing to this affidavit as Exhibit “A” a complete chart showing break up of 34 posts of the Presidents all over Maharashtra. I am also annexing as Exhibit 'B' a chart indicating position of the non judicial members and marked as Exhibit “C” is a details of Viva Voce examination of President and Member of District Forum.”

Similarly in paragraph 5 of the affidavit, Registrar (Legal) State Consumer Disputes Redressal Commission, has observed thus :

“5. I say that as far as the committee for selection is concerned, it would complete its process by 31st Jan. 2013. As far as the role of the State Government is concerned, regarding giving final appointment is concerned, the outer time limit can be assured to this Hon'ble Court only in the month of January, 2013 because by that time, Winter Session of the Legislature would get over.”

In view of the statement made in the above referred paragraph, it is clear that the selection process will be completed by the committee by 31.1.2013. The learned Assistant Government Pleader states that recommendations of the Committee will be received by the State Government either on 31.12.2012 or may be within a week thereafter and appropriate orders of appointment in both the categories shall be passed by the State Government within a period of three weeks.

3. The learned counsel for the petitioners, at this stage, has brought to our notice the document at Exhibit “C” to the affidavit filed by the Registrar (Legal) State Consumer Disputes Redressal Commission dated 21.12.2012, which reads thus :

“Details of Viva-Voce examination for President and members of District Fora”

Sr. No.	Post	Date of viva voce examination	Total candidates appeared for viva voce examination	Total vacant posts
1	President (Sitting and/or Retired District Judges Category)	24.07.2012 & 01.12.2012	17	19
2	President (By nomination)	01.12.2012	21	15
3	Non-Judicial Member	03.12.2012	24	55

It is submitted that the total vacant posts so far as the President (Sitting and/or Retired District Judges Category) is concerned are 19, however only 17 persons appeared in the interview. Similarly the total vacant posts so far as Non Judicial Member is concerned are 55, however only 24 persons appeared in the interview. Counsel for the petitioners therefore contended that necessary directions in this regard be given to the respondents to initiate the process of filling above vacancies which are available as on today in respect of these categories.

4. It is really unfortunate that the respondents on their own should have initiated process of filling up of all the vacancies by issuing subsequent advertisements. However, we have to issue necessary directions all the time. We deprecate the manner in which the whole thing is handled by the State Government. This Court has already expressed displeasure in the earlier Order in this regard and we want to reiterate that because of the inaction on the part of the State Government to fill up the posts of both the President and Non Judicial Members of District Forum all over State of Maharashtra for a long time has caused lot of undo hardships to the people at large and therefore we now direct the State Government to consider the recommendations of the Committee and should issue appointment orders to the eligible and qualified persons within a period of three weeks from the receipt of recommendation / selection list from the Committee. Similarly, we also direct the respondents to issue fresh advertisements within a period of three weeks in order to fill up the vacancies which are available as on today for the President (Sitting and/or Retired District Judges Category) as well as Non Judicial Members category and start the process immediately without further delay and complete the same within a minimum number of days. We further want to observe that the respondents should on their own identify the Presidents who are due for retirement at least three months prior to the date of their retirement and should take appropriate steps for filling up

such vacancies which is likely to occur well within time and should not wait till this Court issues directions. We want that the State Government should act promptly without further delay in this regard.

5. Place the matter on 28.1.2013.

(ACTING CHIEF JUSTICE)

(K. K. TATED, J.)

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