

Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules, 2020, Rule 6(10) – Consumer Protection Act, 2019 (35 of 2019) – Whether the State Government while exercising power under Rule 6(10) is free to choose any candidate from the panel prepared by the Selection Committee for appointment to the post of President, District Commission, irrespective of his/her merit position without assigning any valid reason's – Chief Minister, in utter disregard of the recommendation made by the Selection Committee, ignored the merit position —

Chief Minister, in utter disregard of the recommendation made by the Selection Committee, ignored the merit position of the petitioners without assigning any reason and simply followed the 'pick and choose' policy while preferring private respondents for appointment to the post(s) in question – If the State Government is allowed to choose any candidate from the panel irrespective of his or her merit, without assigning any valid reason, then recommendation made by the Selection Committee would be rendered otiose and that would be complete negation of the Rule 6 – Besides this, Rule 6(1) clearly envisages that President, District Commission shall be appointed by the State Government on the recommendation of the Selection Committee – As such, the State Government has to follow the recommendation of the Selection Committee and it cannot ignore the merit without assigning any valid reason(s) in view of the provisions of Rule 6 – Action of the State Government while ignoring the genuine claim of petitioners and issuing impugned orders of appointment – Set aside.

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[\(2022-4\)208 PLR 692](#)