

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B. KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT APPEAL No.947 of 2024

Between:

Tappa Abdul Rasool, S/o Tapa Abdul Sattar,
Aged about 62 years, Presently working as
President, District Consumer Dispute
Redressal Commission,
Old Collectorate, Seven Roads,
Kadapa

.... Appellant/5th Respondent

And

1. V. Subba Reddy, S/o V. Konda Reddy,
Aged about 61 years, Occupation: Advocate,
R/o H.No.7-477-40, N.G.O. Colony, Kadapa
City, YSR Kadapa District.

.... 1st Respondent/Writ Petitioner

2. State of Andhra Pradesh, Rep. by its
Ex-Officio, Secretary to Government,
Consumer Affairs, Food and Civil Supply
Department (CS-II), Secretariat, Amavarati,
Guntur District.

.... Respondent/Respondent

WRIT APPEAL No.948 of 2024

Between:

Tappa Abdul Rasool, S/o Tapa Abdul Sattar,
Aged about 62 years, Occupation: President
of District Commission, Kadapa,
YSR Kadapa District.

.... Appellant/2nd Respondent

And

1. Kalikiri Sireesha, W/o Sri A.G. Surya
Prakash Reddy, Aged 55 years,
R/o H.No.1-2340, A.P.H.B. Colony,
Y.S.R. Kadapa.

.... Respondent/Writ Petitioner

2. Union of India, Ministry of Consumer
Affairs, Food & Public Distribution,
Department of Consumer Affairs,
New Delhi, Rep. by its Secretary.

3. The State of Andhra Pradesh,
Consumer Affairs, Food and Civil Supplies
Department, Secretariat Buildings,
Velagapudi, Guntur, rep. by its
Principal Secretary & Others.

4. The Ex-Officio Secretary to Government,
Government of Andhra Pradesh, Consumer
Affairs, Food & Civil Supplies Department,
A.P. Secretariat, Velagapudi, Amaravati.

5. The Superintendent of Police, Kadapa,
YSR Kadapa District.

.... Respondents/Respondents

Counsel for the Appellant: Sri K. Rathangapani Reddy

**Counsel for the Respondent(s): Smt. B. Neeraja Reddy and
Additional Advocate General**

The Court made the following:

THE HONOURABLE SRI JUSTICE B. KRISHNA MOHAN
AND
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT APPEAL Nos.947 & 948 of 2024

COMMON JUDGMENT: *(Per Hon'ble Sri Justice Nyapathy Vijay)*

1. The present Writ Appeals are filed questioning the Orders dated 15.11.2024 passed in W.P.Nos.7588 & 18214 of 2022 whereunder the appointment of the Appellants as President of the District Consumer Forum, YSR Kadapa was set-aside.

2. The parties are referred to as they were arrayed in W.P.No.18214 of 2022. This appeal was heard along with a batch of appeals and case law was cited by the Counsel and Senior Counsel appearing for the respective parties. As facts in each appeal are not similar, separate Judgments are being passed addressing the contentions advanced. In these appeals, W.P.No.18214 of 2022 is taken as lead case for description of parties and narration of facts.

3. **The introductory facts:-**

A Notification was issued on 17.03.2021 by the State of Andhra Pradesh vide Roc.No.3/DC-P/Sectt/CS-II Dept/2020 inviting applications to fill up vacant posts of Presidents of District Commissions of Ananthapuramu, Tirupathi, Kakinada, Rajahmundry, Guntur, YSR Kadapa, Machilipatnam, Ongole, Srirakulam, Visakhapatnam-II, Vizianagaram, Eluru and Chittoor, totalling to 13 vacancies.

4. As per the Notification, the applicants should have the qualifications prescribed for the post of a District Judge and should be above 35 years and below 65 years under Sections 28 to 30 of the Consumer Protection Act, 2019. The procedure for selection is that the Selection Committee shall, on the basis of the assessment made by it in the interview and after satisfying the eligibility criteria and after taking into account the suitability, record of past of performance, integrity and adjudicatory experience, will recommend a panel of names of applicants for appointment as Members/Presidents from amongst the applicants in the order of merit for approval to the State Government and for issuance of appointment orders to the selected applicants.

5. In this case, the Writ Petitioner and Respondent No.5 along with one V. Subba Reddy were shortlisted for appointment by the Selection Committee for the post of the President of District Consumer Commission, Kadapa. The writ petitioner was ranked No.1 in the order of merit followed by V. Subba Reddy and Respondent No.5. However, the Respondent No.5 was appointed by the Respondent State overlooking the Petitioner, hence the writ petition was filed.

6. The Writ Petitioner pleaded that as per the order of merit recommended by the Selection Committee, she was allotted 23 marks, while one V. Subba Reddy (Petitioner in W.P.No.7588/2022) was allotted 18 marks and the Respondent No.5 was allotted 16 marks. Since she was ranked No.1 in the order of merit and in the absence of any doubt regarding the integrity and

credentials of the Writ Petitioner, the appointment of Respondent No.5 was contrary to Rule 6 of the *A.P. State 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* (hereinafter referred to *The A.P. State Consumer Protection Rules, 2020* for brevity). The Writ Petitioner further pleaded that she was appointed as Member of District Consumer Forum, Kadapa in the year 2009 *vide* G.O.Ms.No.7, CS, F & Civil Supplies (CS.II) Department issued by the State of Andhra Pradesh on 26.02.2010 in accordance with Rules in vogue at that point of time.

7. The Writ Petitioner further pleaded that she was put in FAC of the post of President in District Consumer Forum, Kadapa on account of retirement of the then President. Though the term of the Writ Petitioner ended in the year 2015, the term was extended and she continued as Member of the District Consumer Forum upto 02.03.2020. As per the petitioner, there were no allegations against her at any time nor any doubt regarding the integrity and therefore the appointment of Respondent No.5 cannot be sustained and that the same is contrary to Rule 6 of *The A.P. State Consumer Protection Rules, 2020*. The Petitioner placed reliance on a report submitted by then Superintendent of Police *vide* C.No.1358/VR-SB/KDP/2021 to substantiate her plea that there are no adverse remarks in that antecedent report.

8. The case of the Writ Petitioner in W.P.No.7588 of 2022 is that he should be appointed as he was standing at Sl.No.2 in the order of merit

rather than the Appellant/Respondent No.5. It was further pleaded that disqualification under Rule 5(i) of the Rules will not be attracted as criminal case against him is at the stage of trial. It was further pleaded that he had vast experience, and criminal case filed out of family disputes should not be a ground for rejection of his candidature.

9. The Respondent-State in its Counter Affidavit defended the appointment on the ground that it was made on the basis of antecedent reports. It was further pleaded that the State Government considered the parameters i.e. suitability, integrity, record of past performance etc., as set-out in Rule 6(9) and arrived at collective merit and appointed Respondent No.5. However, no explanation was forthcoming regarding the antecedent report submitted by then Superintendent of Police *vide* C.No.1358/VR-SB/KDP/2021 wherein nothing adverse was noted against the Petitioner. Further, there was no denial of the plea of the Petitioner regarding the order of merit recommended by the Selection Committee.

10. The Respondent No.5 filed his Counter Affidavit relying entirely on the antecedent report against the Writ Petitioner, which was obtained by V. Subba Reddy (Writ Petitioner in W.P.No.7588 of 2022) which appears to be furnished after the recommendation by the Selection Committee, wherein the integrity of the Writ Petitioner was stated to be doubtful, said to be favouring the community she hailed from and was not considered suitable for the said post. The Respondent No.5 justified his selection on the basis of this antecedent report only.

11. The learned Single Judge after referring to Rule 6 of the Consumer Protection Rules, 2020 held that the antecedent report relied on by the Respondent No.5 is not in consonance with Circular Memo No.132/SC.B/A1/2012-I, General Administration (SC.B) Department, dated 15.11.2012 and does not contain any signature of any authority, set-aside the appointment of Respondent No.5 and the Official Respondents were directed to obtain fresh credentials/antecedents as per the Circular Memo dated 15.11.2012 and in the meantime, the Official Respondents were directed to place an in-charge to avoid inconvenience to the District Commission proceedings. The Official Respondents were directed to issue appointment orders on the basis of the credentials/antecedents and the time calendared for compliance was two months. Hence, the present Writ Appeal.

12. **Contentions**:- Heard Sri K. Rathangapani Reddy, learned counsel for the Appellant, Smt. B. Neeraja Reddy, learned counsel for the Respondent/Writ Petitioner and the learned Additional Advocate General.

13. The counsel for the Appellant contended that the rules provide for discretion to the State for appointment among the panel of names of candidates recommended by the Selection Committee depending on the antecedent report. The counsel for the Appellant emphasized on Rule 6(11) of the Rules to substantiate his plea that the State Government shall verify the credentials and antecedents of the candidates before issuing appointment orders. It was contended that in this particular case the antecedent report received against the Writ Petitioner was not satisfactory

and there were doubts regarding her integrity and therefore, the appointment of the Appellant/Respondent No.5 cannot be faulted.

14. The counsel for the Appellant further contended that the Circular Memo dated 15.11.2012 is not relevant as even assuming that the antecedent report is contrary thereto, the same is not of much relevance since the core content of the report was taken note by the State Government before issuing appointment order.

15. The counsel for the Respondent/State contended that the appointment was made after receiving the antecedent reports of the recommended candidates and that there is no violation of any Circular Memo. It was contended that Writ Petitioners were ineligible as per Rule 5(v) of the Rules in view of adverse antecedent report. Further, it was contended that the antecedent report was sent along with a covering letter by the concerned authority to the State Government and therefore the antecedent report cannot be said to be not in the prescribed format.

16. The counsel for the Respondent/Writ Petitioner contended that the antecedent report relied upon by the Respondent/State is running contrary to the antecedent report furnished by the then Superintendent of Police vide C.No.1358/VR-SB/KDP/2021 sent to the Director General of Police, Andhra Pradesh for verification of the antecedents of the Petitioner along with other persons, who were shortlisted for interview to the post of President of District

Consumer Forum, Kadapa. As per the said report, there is no adverse remark regarding the character and conduct of the Writ Petitioner.

17. The counsel for Respondent/Writ Petitioner further contended that a reading of the antecedent report relied on by the Appellant and Respondent-State shows that the same is inconsistent and wholly unreliable as the same does not have signature of any individual verifying the correctness of the report and that it is apparent that the antecedent report was customised to suit for appointment of Respondent No.5.

18. The counsel relied upon Division Bench Judgment of Punjab and Haryana High Court in ***Ashish Kumar Grover and Others vs. State of Punjab and Others*¹**, dated 15.02.2024 which was confirmed by the Hon'ble Supreme Court in SLP (Civil) Diary No.11196 of 2024 dated 01.04.2024. The other cited judgements were the Division Bench Judgment of Punjab and Haryana High Court in ***Urvashi Agnihotri vs. State of Punjab*²** and the Division Bench Judgments of Kerala High Court in ***State of Kerala vs. K. Reghu Varma & Others*³** and ***N. Premkumar vs. State of Kerala*⁴**

19. **Issues**:- After hearing the respective counsel, the issue that falls for consideration is as follows:-

Whether the State Government had exceeded its scope under the Rules in appointing President/Members of District Consumer Forum?

¹ 2024 LawSuit (P&H) 323

² 2024 LawSuit (P&H) 447

³ 2009 SCC OnLine Ker 3620

⁴ 2015 SCC OnLine Ker 25225

20. **Reasoning:-**

The procedure for appointment to the post of President of the District Consumer Forum is prescribed in Rule 6 of the Rules. The Rule 6 is extracted below for ready reference:-

“6. Procedure of appointment.—

(1) The President and members of the State Commission and the District Commission shall be appointed by the State Government on the recommendation of a Selection Committee, consisting of the following persons, namely: –

(a) Chief Justice of the High Court or any Judge of the High Court nominated by him;

(b) Secretary in-charge of Consumer Affairs of the State Government – Member;

(c) Nominee of the Chief Secretary of the State—Member.

(2) The Secretary in-charge of Consumer Affairs of the State Government shall be the Convener of the Selection Committee.

(3) No appointment of the President, or of a member shall be invalid merely by reason of any vacancy or absence in the Selection Committee other than a vacancy or absence of the Chairperson.

(4) The process of appointment shall be initiated by the State Government at least six months before the vacancy arises.

(5) If a post falls vacant due to resignation or death of a member or creation of a new post, the process for filling the post shall be initiated immediately after the post has fallen vacant or is created, as the case may be.

(6) *The advertisement of a vacancy inviting applications for the posts from eligible candidates shall be published in leading newspapers and circulated in such other manner as the State Government may deem appropriate.*

(7) *After scrutiny of the applications received till the last date specified for receipt of such applications, a list of eligible candidates along with their applications shall be placed before the Selection Committee.*

(8) *The Selection Committee shall consider all the applications of eligible applicants referred to it and if it considers necessary, it may shortlist the applicants in accordance with such criteria as it may decide.*

(9) *The Selection Committee shall determine its procedure for making its recommendation keeping in view the requirements of the State Commission or the District Commission and after taking into account the **suitability**, record of past performance, **integrity** and adjudicatory experience.*

(10) *The Selection Committee shall recommend a panel of names of candidates for appointment in the order of merit for the consideration of the State Government.*

(11) *The State Government shall verify or cause to be verified the credentials and antecedents of the recommended candidates.*

(12) *Every appointment of a President or member shall be subject to submission of a certificate of physical fitness as indicated in the annexure appended to these rules, duly signed by a Civil Surgeon or District Medical Officer.*

(13) *Before appointment, the selected candidate shall furnish an undertaking that he does not and will not have any such financial or other interest as is likely to prejudicially affect his functions as a President or member.*

21. Under Rule 6(8) and (9), the Selection Committee is given the liberty to prescribe the criteria for shortlisting of eligible applicants and formulate the procedure for recommendation after taking into account the suitability, record of past performance, integrity and adjudicatory experience. In the present case, in the process of shortlisting of applicants for interview, the Selection Committee having liberty to formulate the procedure for recommendation had sought for antecedent report from the State Government as a criteria for shortlisting the applicants for interview and thereupon recommended candidates after taking into account their suitability, record of past performance, integrity and adjudicatory experience.

22. The scope of the State Government under Rule 6(11) is to verify the antecedents and credentials of the recommended candidates i.e. to examine whether recommended candidates suffer any disqualification prescribed in Rule 5. The Rule 5 reads as under;

5. Disqualification for appointment of President or member of State Commission and District Commission. – A person shall be disqualified for appointment as the President or a member of a State Commission or District Commission if he—

(i) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(ii) has been adjudged to be insolvent; or

(iii) is of unsound mind and stands so declared by a competent court; or

(iv) has been removed or dismissed from the service of the State Government or Central Government or a body corporate owned or controlled by such Government; or

(v) has, in the opinion of the State Government, such financial or other interest as is likely to prejudicially affect his functions as the President or a member.

23. The above extracted Rule has facets of **eligibility** as well as **suitability**. The Rules 5 (i),(ii),(iii) and (iv) are aspects of eligibility and matters of fact, whereas Rule (v) falls in the domain of **suitability** and a matter of opinion. The Hon'ble Supreme Court in **Registrar General, High Court of Madras Vs R. Gandhi and Others** explained the distinction between eligibility and suitability as under;

“As stated above, “eligibility” is a matter of fact whereas “suitability” is a matter of opinion.”

24. There would not be any issue for bypassing the recommendations in the order of merit of the Selection Committee if the individuals recommended suffer from disqualifications under Rule 5 (i), (ii), (iii) and (iv) of the Rules as they would be documented and are aspects of **eligibility**.

25. The grey area in Rule 5 is the sub-rule(v) which is quite uncontrolled and enables the State Government to examine the **suitability** and **integrity** of the recommended candidates even though the said function is the exclusive domain of the Selection Committee under Rule 6(9) of the Rules as stated above.

26. It is to be noted that aspects prescribed in Rule 5(v) come under “**Suitability**” and within the scope of the Selection Committee as recognised in parallel legislations. The Section 85 of the Electricity Act, 2003 provides for selection of Chairperson and members of the Electricity Regulatory Commission. As per Section 85, a Selection Committee will be constituted for selection of Chairperson and members and the mandate of the Selection Committee under Section 85(5) is similar verbatim to Rule 5(v) of the Rules. The Section 85(5) of the Electricity Act, 2003 reads as under:

*“(5) Before recommending any person for appointment as the Chairperson or other Member of the State Commission, **the Selection Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member, as the case may be.**”*

27. Ideally, the Rule 5(v) should have been included in Rule 6 of the Rules within the exclusive scope of Selection Committee. Coming back, in the event, the State Government after receiving the antecedent report is of the opinion that candidate ranked No.1 in the order of merit is not **suitable**, there would be a conflict of opinion vis-a-vis **suitability** and **integrity** of the recommended candidates. The superimposed opinion of the State Government on **suitability** and **integrity** gives scope for favouritism and allied allegations apart from tilt in the balance in favour of the State in making appointments to judicial posts.

28. One exception to the above paragraph is when the recommended candidate is facing trial in a grave offence either under IPC/BNS etc., It would be odd for the State Government to appoint an individual adorning the judicial post while undergoing trial in a criminal case.

29. Prior to the formulation of the present Rules, the Hon'ble Supreme Court in State of ***Uttar Pradesh And Others vs. All Uttar Pradesh Consumer Protection Bar Association***⁵ had appointed a Committee presided by Justice Arijit Pasayat to examine the shortcomings in the functioning of the Consumer Forums. The said Committee inquired extensively regarding functioning of consumer forums in a number of States including Telangana and Andhra Pradesh and noted the political and bureaucratic influence in the selection of presiding members. The Hon'ble Supreme Court after referring to the Committee's report directed the Union Government to frame rules regarding appointment of members in District, State and National Consumer Forums.

30. Initially, the Section 22E regarding appointments to National Consumer Forum alone was introduced into the Act of 1986 under the Finance Act, 2017. This amendment *vide* Finance Act, 2017 was subject of challenge before the Constitutional Bench in ***Roger Mathew vs South Indian Bank Ltd.***⁶. Thereafter, the Act of 1986 was repealed and Consumer Protection Act, 2019 was introduced and the Central Government framed Rules

⁵ (2017) 1 SCC 444

⁶ (2020) 6 SCC 1

regarding appointments on 15.7.2020 and the State Government also framed verbatim similar Rules under Section 102 of the Act, 2019. The above was only to narrate the purpose of the present Rules i.e. to bear in mind the effort of the stakeholders to bring in transparency to the selection process, so that we do not go back in time.

31. Considering this overlap of opinion regarding **suitability** and **integrity** under Rule 5(v) and Rule 6(9) of the Rules, a workable view has to be adopted so as to maintain the primacy to the recommendation and avoid politico-executive overreach in the manner of appointments. The Hon'ble Supreme Court in **H.S. Vankani v. State of Gujarat**⁷ after referring to precedents held at paragraph 48 as under;

“48. The above legal principles clearly indicate that the Courts have to avoid a construction of an enactment that leads to an unworkable, inconsistent or impracticable results, since such a situation is unlikely to have been envisaged by the rule-making authority. The rule-making authority also expects rule framed by it to be made workable and never visualises absurd results.”

32. Therefore, in cases where the Government is of the opinion that a particular individual ranked first in the order of seniority is not considered to be fit for appointment as Chairman/member on account of antecedent report vis-a-vis **suitability and integrity**, then such a report along with the opinion

⁷ (2010) 4 SCC 301

of the State Government should be placed before the Selection Committee for reconsideration of order of merit. If the Selection Committee after taking note of the antecedent report and the opinion of the Government may still recommend the said individual and then the Government is bound to appoint the individual.

33. This procedure of going back to the Selection Committee is required in appointments of this nature, firstly for the reason, no other service rule enables the State Government to re-evaluate the **suitability** and **integrity** after recommendation by the Selection Committee, secondly to avoid politico-executive overreach and thirdly to maintain primacy to the recommendation made by Selection Committee headed by the Chief Justice or his nominee Judge.

34. The Hon'ble Supreme Court ***Kavita Kamboj v. High Court of Punjab & Haryana*** emphasised the requirement of consultation in the appointment of District Judges as it is best placed to assess the suitability. Though said case pertains to appointment of District Judges, the paragraph 66 thereof provides for a well balanced approach in the manner of appointments to judicial forums by ensuring primacy to the order of merit of recommended candidates.

“66. In matters of appointment of judicial officers, the opinion of the High Court is not a mere formality because the High Court is in the best position to know about the suitability of candidates to the post of District

Judge. The Constitution therefore expects the Governor to engage in constructive constitutional dialogue with the High Court before appointing persons to the post of District Judges under Article 233.”

35. The Division Bench Judgments of Punjab and Haryana High Court i.e. ***Ashish Kumar Grover and others Vs State of Punjab and others*** and ***Urvashi Agnihotri Vs State of Punjab*** cited by the counsel for the writ petitioner though are factually in a slightly different factual scenario, but the primacy of the recommendation of the Selection Committee was upheld. The Division Bench Judgments of Kerala High Court cited above were rendered while considering the Rules for appointment framed under the Consumer Protection Act, 1986. In those Rules, the Selection committee was headed by the Chairman of the State Consumer Forum and a panel was recommended for appointment. There was no requirement of order of merit in those Rules. As there is substantial variance in the present rules, the said Judgments are not of relevance.

36. In the present case, the marks and the order of merit recommended by the Selection Committee are given below in the tabulated statement:

Sl.No.	Appl. No.	Name of the Candidate	Marks Allotted in Interview			Total Marks Allotted in Interview (Out of 30)	Rank	To be recommended to Govt.
			Hon'ble Judge	Secretary, Civil Supplies	Secretary, Law			
1.	12	Smt. Kalikiri Sireesha	7	8	8	23	1	Yes
2.	23	Sri Vutukuru Subba Reddy	6	7	5	18	2	Yes
3.	42	Sri Tappaq Abdul Rasool	5	5	6	16	3	Yes

37. The second antecedent report regarding Writ Petitioner in W.P.No.18214 of 2022 which has been relied upon by the Appellant/Respondent No.5 as well as the State Government is riddled with inconsistencies. The antecedent report against the Writ Petitioner shows that as per Column No.10 (A), (B) and (C), there are no bad habits and the character and conduct was noted to be **“satisfactory”**, but In Column No.13, the integrity of the Writ Petitioner was doubted. This inconsistency in between Column Nos.10 and 13 is quite inexplicable. This Court is refraining from expressing opinion on the further aspects of the antecedent report.

38. In stark contrast, the first antecedent report submitted by the Superintendent of Police, YSR Kadapa to the DGP, Mangalagiri vide C.No.1358/VR-SB/KDP/2021 and taken into consideration by the selection committee shows that there are no adverse remarks against the Writ Petitioner. The portion of the report referring to Petitioner is extracted below:-

“The applicant native of Madanapalli town of Chittoor District and at present residing at H.No.1/2340, APHB Colony, Kadapa City. She belongs to Kapu/Reddy (OC) Caste. She studied up to B.L. and started her profession as advocate vide Enrollment No.AP/421/1992. She practiced as advocate under senior advocate Sri Y.Chandra Sekhar Reddy and got experience in civil and criminal cases. She got experience about 28 years for both civil and criminal cases. Previously she worked as member in District Consumer Forum Commission, Kadapa during 2010-2020. She is not

*involved in any criminal cases in YSR District and **there is no adverse against her character and conduct.***”

39. In the event, the State Government is having information which makes the Writ Petitioner in W.P.No.18214 of 2022 unfit for appointment pursuant to formulation of opinion under Rule 5(v) vis-à-vis suitability, the State Government should have brought it to the notice of the Selection Committee along with its opinion. The State Government could not have unilaterally superimposed its opinion regarding the suitability, which is the exclusive domain of the Selection Committee and appoint the Appellant herein in the absence of exception referred above. The issue is accordingly answered.

40. As regards the Writ Petitioner in W.P.No.7588 of 2022, a criminal case *vide* Crime No.258 of 2018 for offences under Sections 354 and 506 IPC was registered against him in Kadapa II Town P.S., which is pending trial. In the writ affidavit, the Petitioner admitted that criminal case *vide* Crime No.253 of 2018 is pending against him on the file of Additional Judicial First Class Magistrate, Kadapa for offence under Sections 448 and 354 IPC. As stated *supra* at paragraph 28, the Respondent-State cannot be called upon to appoint an individual facing trial in grave offence.

41. In the light of the above, the Writ Appeals are disposed of with the following directions:

(i) The conclusion arrived at by the learned Single Judge in setting aside G.O.Rt.No.8 dated 03.02.2022 to the extent of appellant in W.P.No.18214 of 2022 is upheld;

(ii) The direction to obtain fresh credentials/antecedents report from the candidates and State Government to reconsider the same is set-aside;

(iii) A Selection Committee shall be re-constituted as per the Rules within a period of one month;

(iv) The Second antecedent report, opinion of the State Government and any other information as sought shall be placed before the Selection Committee for re-consideration.

(v) As the Judicial work in the concerned Consumer Forum is affected, the above mentioned exercise shall be completed in two (02) months time;

(vi) The order of learned Single Judge in W.P.No.7588 of 2022 is set-aside.

There shall be no order as to costs. As a sequel, pending applications, if any, shall stand closed.

B. KRISHNA MOHAN, J

NYAPATHY VIJAY, J

Date: 25.04.2025

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THE HONOURABLE SRI JUSTICE B. KRISHNA MOHAN
AND
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT APPEAL NOS.947 & 948 of 2024

Date: 25.04.2025

IS