

*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 30995 OF 2024

% 03.08.2026

#Between:

Rayala Kiran Kumar.

..... Petitioner

\$And:

Union of India, and Others.

... Respondents

!Counsel for the Petitioner : Sri A. Bhaskara Chary

^Counsel for the Respondent No.1 : Sri Tenepalli Niranjana,
Deputy Solicitor General of India

^Counsel for the Respondent No.5 : Sri G.V. Shivaji

^Counsel for the Respondent Nos.2 to 4 : Sri M. Delhi Babu

<Gist:

>Head Note:

? Cases referred:

1. (2009) 1 SCC 768
2. (2018) 17 SCC 92
3. (2009) 5 SCC 65
4. (1997) 1 SCC 35
5. 2024 LawSuit (P&H) 323 : 2024 PHHC 22287
6. 2024 LawSuit (P&H) 447 : 2024 PHHC 42640

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.NO. 30995 OF 2024

Rayala Kiran Kumar

..... Petitioner

And:

Union of India and Others.

...Respondents

DATE OF JUDGMENT RESERVED : 22.07.2026

DATE OF JUDGMENT PRONOUNCED : 03.08.2026

DATE OF JUDGMENT UPLOADED : 04.08.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 22.07.2026
Date of pronouncement : 03.08.2026
Date of uploading : 04.08.2026

APHC010592482024



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

MONDAY, THE 03rd DAY OF AUGUST, 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 30995 OF 2024

Between:

1. RAYALA KIRAN KUMAR, S/o Siva Ramakrishna Prasad Rao, Aged about 51 years, Occ. Advocate, R/o D.No.11-10-729/A, Road No.6, Bhuran puram, Khammam, Telangana State.

...Petitioner

AND

1. UNION OF INDIA, Ministry of Consumer Affairs and Food and Public Distribution Department of Consumer Affairs, Represented by its Secretary New Delhi - 110 001.

2. State of Andhra Pradesh, Consumer Affairs, Food and Civil Supplies Department, Represented by its Principal Secretary, Secretariat Buildings, Velagapudi, Guntur District - 522503

3. The Ex-officio Secretary to Government, Government of Andhra Pradesh, consumer affairs, Food and Civil supplies department, AP Secretariat, Velagapudi Amaravathi, Guntur District

4. State of Andhra Pradesh, Represented by Secretary to Government Legislative Affairs and Justice, Law Department. 5th Block, First Floor, AP. Secretariat, Amaravati, Andhra Pradesh 522 503.

5. Chiranjeevi Nelapudi, Presently working as President, District Consumer Disputes Redressal Commission, Vijayawada, Andhra Pradesh.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order Proceedings more particularly one in the nature of Writ of Mandamus declaring the G.O.Rt.No.39 Consumer Affairs, Food and Civil Supplies (CS.II) Department, Dated 28-07-2022, appointing the 5th Respondent as President, District Commission, Vijayawada as illegal, arbitrary, in violation of concerned Rules and cannot stand to legal scrutiny and further direct the 3rd Respondent to appoint the Petitioner as President, District Commission, Vijayawada, as per the merit of Committee and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to suspend the G.O.Rt.No.39 Consumer Affairs, Food and Civil Supplies (CS.II) Department, Dated 28-07-2022, pending disposal of the Writ Petition and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased grant leave for filing counter affidavit in the Writ petition No.30995 of 2024 and pass

Counsel for the Petitioner: A BHASKARA CHARY

Counsel for the Respondents: DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondents: G V SHIVAJI

Counsel for the Respondents: ADDL ADVOCATE GENERAL

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 30995/2024

ORDER:

1. This Writ Petition is filed challenging G.O.Rt.No.39 Consumer Affairs, Food and Civil Supplies (CS.II) Department, dated 28.07.2022, whereby respondent No.5 was appointed as the President, District Consumer Disputes Redressal Commission, Vijayawada, with effect from 31.07.2022, as being arbitrary, illegal and in violation of concerned rules. The petitioner further seeks a consequential direction to the respondent No.3 to appoint him as President, District Commission, Vijayawada, in accordance with his position in the order of merit and pursuant to the recommendations of the Selection Committee.

2. Heard Sri A. Bhaskara Chary, learned counsel for the petitioner, Sri Tenepalli Niranjan, learned Deputy Solicitor General appearing for respondent No.1, Sri G.V. Shivaji, learned counsel appearing for the respondent No.5 and Sri M. Delhi Babu, learned Government Pleader attached to the office of the Additional Advocate General, appearing for respondents No.2 to 4.

3. The facts of the case, as narrated by the petitioner in the writ petition, are briefly set out hereunder:

- (i) Petitioner is a practicing Advocate possessing the qualifications of B.Sc., LLB., LLM., and a Post Graduate Diploma in Consumer Law and Practice. He has also undergone the training programme for 'Presidents and

Members of the District Consumer Forums'. He was enrolled as an Advocate in the year 1998 and practiced before the District Courts and other Courts at Khammam until 03.03.2010. Pursuant to the notification issued by the A.P. State Consumer Disputes Redressal Commission (APSCDRC) inviting applications for appointment to the post of Member of the Khammam District Consumer Forum, the petitioner submitted his application, appeared for the written examination, and was selected. He was accordingly appointed as a Member of the Khammam District Consumer Forum and discharged his duties from 03.03.2010 to 03.03.2015. Upon completion of his first tenure, he was again selected and appointed for a second consecutive term and continued to serve as a Member of the said Forum until 03.03.2021. After completion of his tenure, the petitioner resumed legal practice before the Courts at Khammam.

(ii) Thereafter, pursuant to the notification dated 09.01.2022 issued by respondent No.3 inviting applications for filling up the vacancies to the posts of Presidents of the District Consumer Disputes Redressal Commissions in four districts of the State of Andhra Pradesh, the petitioner submitted his application on 20.01.2022 for appointment as the President of the District Consumer Disputes Redressal Commission, Vijayawada. He was found eligible and was called for interview before the Selection Committee, which was held on 28.02.2022. While the petitioner was legitimately expecting that his candidature would be considered in accordance with law and merit, respondent No.2 issued G.O.Rt.No.39, dated 28.07.2022, appointing

respondent No.5 as the President of the District Consumer Disputes Redressal Commission, Vijayawada, with effect from 31.07.2022.

(iii) Subsequently, one of the petitioner's friends sought information under the Right to Information Act, 2005, regarding the marks awarded to the candidates who had participated in the selection process for the post of President, District Consumer Disputes Redressal Commission, Vijayawada. Upon obtaining the information, the petitioner came to know that he had secured the highest marks, i.e., 21 out of 30, and was placed first in the order of merit, whereas respondent No.5 had secured 18 out of 30 marks and was placed second. Despite the petitioner being the first-ranked candidate, respondent Nos.2 to 4 appointed respondent No.5 by overlooking the recommendations of the Selection Committee and ignoring the petitioner's superior merit. Thereafter, on 26.11.2024, the petitioner came to know that the High Court of Andhra Pradesh had, in similar circumstances arising out of the very same selection process, set aside the appointments of certain Presidents of the District Consumer Disputes Redressal Commissions on the ground that the State Government had departed from the order of merit recommended by the Selection Committee. The petitioner claims that he stands on the same footing as the successful petitioners in those cases, inasmuch as he was placed at Sl.No.1 in the merit list prepared by the Selection Committee, but his candidature was overlooked and the candidate placed second in the order of merit was appointed under

G.O.Rt.No.39, dated 28.07.2022. Aggrieved by the said action, the petitioner has filed the present writ petition.

4. Learned counsel appearing for the petitioner submits that the selection and appointment to the post of President of the District Commission are governed by the '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 (for short, 'Rules') issued by the Ministry of Consumer Affairs, Food and Public Distribution (Department of Consumer Affairs) vide Notification, dated 15.07.2020. It is contended that Rule 6 of the said Rules prescribes the procedure for appointment of the President and Members of the State Commission and District Commission. In the present case, sub-rules (9), (10) and (11) of Rule 6 are relevant for consideration. The said provisions are extracted hereunder:

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 – Chairperson;*

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

(c) *Nominee of the Chief Secretary of the State – Member.*

.....

(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.

5. Learned counsel for the petitioner further submits that the Notification dated 09.01.2022 issued by respondent No.3 specifically provides that the Selection Committee, on the basis of the assessment made during the interview, after satisfying itself regarding the eligibility criteria and after taking into consideration the suitability, record of past performance, integrity, and adjudicatory experience of the candidates, shall recommend a panel of names of applicants for appointment as Presidents from among the eligible candidates in the order of merit for approval of the State Government and for issuance of appointment orders to the selected candidates. Pursuant to the said Rules and the procedure prescribed therein, the Selection Committee forwarded the panel of candidates to the State Government, wherein the petitioner was placed at Sl.No.1 by securing 21 marks out of 30 marks. However, disregarding the order of merit recommended by the Selection Committee, respondent No.2 issued the impugned G.O. appointing respondent No.5 as the President of the District Consumer Disputes Redressal Commission, Vijayawada. As per Rule 6(10) of the Rules, 2020, the Selection Committee is required to recommend a panel of names of candidates for appointment in the order of merit for the consideration of the State Government. The Notification dated 09.01.2022 also expressly states that the panel shall be recommended in the order of merit for approval of the

State Government and for issuance of appointment orders to the selected candidates. Therefore, the appointing authority does not have discretion to choose any candidate from the panel by overlooking the order of merit. The State Government is required to act upon the recommendations of the Selection Committee and appoint the candidate placed higher in the order of merit, subject only to the verification contemplated under the Rules. In the present case, since the petitioner was placed first in the order of merit, respondent No.2 ought to have appointed him as the President of the District Consumer Disputes Redressal Commission, Vijayawada. However, without considering the statutory provisions and the recommendations of the Selection Committee, respondents Nos.2 to 4 proceeded to appoint respondent No.5, who was placed lower in the order of merit, as the President of the District Commission, Vijayawada, thereby rendering the impugned action unsustainable in law.

6. Learned counsel for the petitioner relied upon the rules and submitted that, under Rule 6(9), the Selection Committee is empowered to determine its procedure for making recommendations, keeping in view the requirements of the State Commission or District Commission and considering the suitability, past performance, integrity, and adjudicatory experience of the candidates. Under Rule 10, the Selection Committee is required to recommend a panel of candidates in order of merit for appointment by the State Government. Under Rule 11, the State Government is only required to verify or cause verification of the credentials and antecedents of the recommended candidates. It was

contended that the assessment of suitability, past performance, integrity, and adjudicatory experience falls exclusively within the domain of the Selection Committee, and there is no occasion for Respondent No. 2 to undertake such an evaluation. Therefore, the recommendations of the Selection Committee cannot be altered unless adverse remarks are found against the candidates, particularly during the verification process contemplated under Rule 11. In the present case, the respondents have failed to follow the prescribed procedure and have proceeded with the selection process in violation of the applicable rules.

7. Learned counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in ***Tridip Kumar Dingal v. State of W.B.***¹, with regard to delay and laches in approaching the Court, wherein, it was held as follows:

56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime (vide State of M.P. v. Bhailal Bhai [AIR 1964 SC 1006 : (1964) 6 SCR 261] , Moon Mills Ltd. v. Industrial Court [AIR 1967 SC 1450] and Bhoop Singh v. Union of India [(1992) 3 SCC 136 :

¹ (2009) 1 SCC 768

(1992) 21 ATC 675 : (1992) 2 SCR 969]). This principle applies even in case of an infringement of fundamental right (vide Tilokchand Motichand v. H.B. Munshi [(1969) 1 SCC 110] , Durga Prasad v. Chief Controller of Imports & Exports [(1969) 1 SCC 185] and Rabindranath Bose v. Union of India [(1970) 1 SCC 84]).

58. There is no upper limit and there is no lower limit as to when a person can approach a court. The question is one of discretion and has to be decided on the basis of facts before the court depending on and varying from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose.

62. Though there is considerable force in the argument of the learned counsel for the State and the contesting respondents that there is substantial delay on the part of the appellants in approaching this Court, in the light of factual scenario and the direction which we are inclined to issue, we have thought it fit not to dismiss the special leave petitions on the ground of delay but considering merits of the case, we are issuing necessary directions granting relief to the appellants who were vigilant about their rights.

64. In the result, the appeals are partly allowed. Service of 66 candidates who were selected and appointed in 1998-1999, whose appointments were initially not challenged and thereafter who were protected by the Tribunal and by the High Court have not been disturbed. The appellants who are similarly situated to 66 respondents who are protected in the present proceedings will be treated on a par with those respondents. And if on the basis of merit list prepared as per the order of the High Court, they are found eligible and qualified, the State Government will consider their cases i.e. the cases of the appellants and will appoint them in accordance with law. Age bar, if any, will not come in the way of those candidates. The said benefit, however, is limited to those candidates who have challenged the selection by approaching the Tribunal, the High Court and this Court. Our directions will not apply to those candidates who have approached this Court for the first time by filing interim applications. Their applications, therefore, stand dismissed.

8. Relying upon the aforesaid judgment, learned counsel for the petitioner submitted that in matters concerning delay and latches, there can be no waiver of a fundamental right. However, while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution of India, the Court may consider various factors, including the delay and latches on the part of the applicant in approaching a writ court. It is well settled that the

issuance of a writ is discretionary, and delay and laches constitute a valid ground for declining relief under Articles 32 and 226 of the Constitution. Inordinate delay in seeking writ relief may justify refusal to exercise such discretionary jurisdiction. The underlying object of this principle is to prevent the revival of stale claims and matters that have already been settled or where third-party rights have accrued. However, there is no fixed upper or lower limit for approaching a court, and the question of delay has to be determined based on the facts and circumstances of each case. The Court must consider the nature of the alleged violation, the relief sought, and the circumstances in which the delay occurred.

9. Since similar cases have already attained finality, it is the specific case of the petitioner that no merit list was published by the respondents. Therefore, the petitioner was under the bona fide impression that the selection process had been conducted strictly in accordance with the applicable rules. Only upon obtaining information under the Right to Information Act, the petitioner became aware that Respondent No.2 had acted contrary to the prescribed procedure and that the appointment of Respondent No.5 was inconsistent with the recommendations made by the Selection Committee. In such circumstances, the delay, if any, cannot be attributed to the petitioner, as the cause of action arose only upon the disclosure of relevant information through the RTI process. The petitioner, having approached the Court immediately upon acquiring knowledge of the alleged irregularities, cannot be denied relief on the ground of delay and laches.

10. Learned counsel for the petitioner also placed reliance on the judgment of the Hon'ble Supreme Court in **Food Corpn. of India v. Head Load Labour Congress**², wherein it held as follows:

4. In short, the facts of the present two appeals are that the writ petitions were filed by the Workers' Union against the appellant (FCI) seeking a mandamus against the appellant (FCI) directing them to implement the award (Ext. P-1) passed by the Industrial Tribunal, Chennai also in relation to the employees working in Branch offices at Kerala named above.

.....

8. Having regard to the totality of the facts and circumstances of the case coupled with the judicial orders passed against the appellant in relation to identical matters, we find no good ground to take any other view in the case than the one taken by the Madras High Court [Food Corpn. of India v. Workmen, 2006 SCC OnLine Mad 1211] in similar case and in the impugned orders [Food Corpn. of India v. Head Load Labour Congress, 2010 SCC OnLine Ker 5186] ' [Thrissur Jilla General Mazdoor Sangh v. Food Corpn. of India, 2014 SCC OnLine Ker 28745].

11. A perusal of the aforesaid judgment would indicate that, once a particular issue has been adjudicated and a consistent view has been taken by the Court in respect of similarly situated persons, a different view cannot be adopted merely on the ground of delay in approaching the Court, particularly when the claim is otherwise found to be covered by the earlier decisions.

12. Learned counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in **State of Bihar v. Upendra Narayan Singh**³, wherein the Hon'ble Apex Court referred to the judgment in **Jaipur Development Authority v. Daulat Mal Jain**⁴, and observed as follows:

"The illegal allotment founded upon ultra vires and illegal policy of allotment made to some other persons wrongly, would not form a legal premise to

² (2018) 17 SCC 92

³ (2009) 5 SCC 65

⁴ (1997) 1 SCC 35

ensure it to the respondent or to repeat or perpetuate such illegal order, nor could it be legalized. In other words, judicial process cannot be abused to perpetuate the illegalities. Article 14 proceeds on the premise that a citizen has legal and valid right enforceable at law and persons having similar right and persons similarly circumstanced, cannot be denied of the benefit thereof. Such person cannot be discriminated to deny the same benefit. The rational relationship and legal back-up are the foundations to invoke the doctrine of equality in case of persons similarly situated. If some persons derived benefit by illegality and had escaped from the clutches of law, similar persons cannot plead, nor can the court countenance that benefit had from infraction of law and must be allowed to be retained. One illegality cannot be compounded by permitting similar illegal or illegitimate or ultra vires acts."

13. Relying upon the aforesaid judgment, learned counsel for the petitioner submitted that Article 14 of the Constitution is founded on the principle of equal treatment among persons similarly situated. However, such equality must be based on a legal right supported by a rational basis and cannot be claimed on the basis of an illegality. If certain persons have derived benefits due to an illegal act and escaped the consequences thereof, others cannot seek the same benefit by relying upon such illegality. The Court cannot permit the continuation or repetition of an illegal, illegitimate, or ultra vires act merely on the ground of parity.

14. In the present case, the petitioner has challenged the regular appointment of Respondent No. 5 on the ground that the benefit extended to Respondent No. 5 has been granted in violation of the prescribed rules governing the appointment of the President of the District Commission. It is contended that such appointment amounts to an infraction of the statutory procedure and is contrary to the principles laid down by this Court as well as the Hon'ble Supreme Court regarding appointments to the said post.

15. Learned counsel for the petitioner also placed reliance on the judgment of the High Court of Punjab & Haryana in **Ashish Kumar Grover and others**

V. State of Punjab and others⁵, wherein it held as follows:

9. The recommendations of the High Court have always been held to be binding upon the State Government and similarity can be drawn in view of the provisions of Article 233 of the Constitution of India. The High Court is expected to know better in regard to the suitability of a person belonging either to the judicial service or to the Bar to be appointed as District Judge as held by the Supreme Court in Chandra Mohan vs. State of Uttar Pradesh 1966 AIR(SC) 1987. If the said principle is applied, it was for the Selection Committee headed by the serving Judge of this Court who keeping in view the criteria fixed which had selected the persons and fixed their merit.

10. Similarly, in State of Haryana vs. Inder Prakash Anand HCS and others 1976 2 SCC 977, four Judges Bench of the Supreme Court held that if the recommendations of the High Court are not binding on the state, the consequences of the same are unfortunate.

11. In Hari Datt Kanintha vs. State of Himachal Pradesh 1980 3 SCC 189, it has been held that the merit alone must guide it in making the recommendations and if the State Government finds it difficult to accept the recommendations of the High Court, it should communicate to the High Court and effective consultation should be done for achieving the true object.

16. Relying upon the aforesaid judgment, learned counsel for the petitioner submitted that the recommendations of the High Court have consistently been held to be binding upon the State Government. A similar principle can be applied in the present case, keeping in view the constitutional scheme under Article 233 of the Constitution of India, as the High Court is better placed to assess the suitability of a person for appointment to judicial service or from the Bar as a District Judge, as recognized by the Hon'ble Supreme Court. It was further submitted that, if the same principle is applied, the determination of suitability and merit ought to remain within the domain of the Selection Committee headed by a serving Judge of the High Court, which, after

⁵ 2024 LawSuit (P&H) 323 : 2024 PHHC 22287

considering the prescribed criteria, evaluates the candidates and prepares the merit list. The recommendations made by such a Committee, therefore, cannot be interfered with or substituted by any other authority except in accordance with the procedure prescribed under the applicable rules.

17. Learned counsel for the petitioner, further placing reliance on various other judgments, contended that once the Selection Committee has taken a decision and forwarded its recommendations to the competent authority, the same are required to be acted upon and ordinarily ought not to be deviated from, except for valid and legally sustainable reasons. In the instant case, the Selection Committee, after duly assessing the suitability of the candidates, prepared and forwarded the select list on the basis of merit. Therefore, the recommendations of the Selection Committee cannot be ignored or rejected, nor can the authorities appoint a candidate of their choice from the panel by giving a go-by to the merit position reflected in the select list. Any such action would be arbitrary and contrary to the settled principles governing appointments to public posts.

18. Learned counsel for the petitioner also relied upon the judgment of the High Court of Punjab and Haryana in ***Urvashi Agnihotri V. State of Punjab and others***⁶, wherein while referring to its earlier decision in ***Ashish Kumar Grover and others V. State of Punjab and others***, the Court observed as follows:

⁶ 2024 LawSuit (P&H) 447 : 2024 PHHC 42640

27.....a similar issue was decided by a Co-ordinate Bench for appointment to the post of President, District Consumer Disputes Redressal Forum. The Co-ordinate Bench held that once the recommendations were sent by the Selection Committee, the first candidate had to be appointed to the post and it was not for the State government to choose persons lower in merit without having interacted with the candidate. The said judgment authored by one of us G.S.Sandhawalia, Acting Chief Justice has been upheld in SLP No.11196 of 2024 decided on April 01, 2024.

19. A perusal of the aforesaid judgment indicates that, once the Selection Committee forwards its recommendations based on merit after assessing the suitability of the candidates, the candidate placed first in the select list is ordinarily entitled to appointment. Thereafter, the State Government cannot alter the order of merit or appoint a candidate lower in the select list merely on its own preference. Any departure from the recommendations of the Selection Committee is permissible only if the recommended candidate is found unsuitable or incurs a disqualification upon verification of credentials and antecedents under Rule 11 or on any other legally sustainable ground.

20. Learned counsel for the petitioner placed reliance on the judgment of this Court in W.P.No.25348 of 2022, which arose out of the very same notification and involved similar circumstances relating to the appointment to the post of President, District Commission. It was submitted that, while considering contentions similar to those advanced in the present case, this Court allowed the writ petition and passed the following order:

31. Therefore, this Court is inclined to dispose of the writ petition with following directions:

a) The impugned order issued by the 2nd respondent vide G.O.Rt.No.8, dated 03.02.2022 to the extent of 5th respondent is hereby set aside;

b) The official respondents are directed to obtain fresh credentials/ antecedents report from the selected candidates as per Circular Memo No.132/SC.B/A1/2012-I, General Administration (SC.B) Department, dated 15.11.2012, within one month from the date of receipt of a copy of this order.

c) Meanwhile, the official respondents are directed to place In-charge for the post of President, District Commissioner, Guntur as per procedure to avoid inconvenience to the proceedings of the District Commission.

d) On submission of credentials/ antecedents report by the police, the official respondents are directed to consider the same on merit basis and issue fresh appointment orders to the suitable candidate without any deviation, within a period of one (01) month thereafter. Entire exercise shall be completed within two (02) months.

21. While considering the aforesaid case, this Court placed reliance on various judgments and finally held that the Selection Committee consists of three persons, namely, Hon'ble Judge of High Court, Secretary in-charge of Consumer Affairs of the State Government and Law Secretary of the State, who recommended the names of the candidates for final appointment after obtaining necessary antecedent reports from the police. It is only option for the government to issue appointment orders to the selected candidates basing on the recommendations, but not interfere with the recommendations made by the Selection Committee. The Selection Committee has placed the names of the candidates as per merit shown as 1, 2 and 3. The duty cast upon the government is to issue appointment order to the first meritorious person after getting antecedents and credentials report obtained by the police. If antecedent report is adverse to the first meritorious candidate, then automatically shall consider case of the second meritorious candidate for appointment for the respective post.

22. Based on the aforesaid reasoning, this Court allowed W.P.No.25348 of 2022. Aggrieved by the said order, an appeal was preferred before the Division Bench of this Court in W.A.No.945 of 2024. The Division Bench, after considering the matter in detail and recording its findings, passed the following order:

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 recognized 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 verbatim similar 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.

23. The Division Bench of this Court in W.A.No.945 of 2024 held that 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-à-vis suitability and

integrity, then such a report along with the opinion 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. 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.

24. This Court in the above Writ Appeal, placing reliance on the judgment of the Hon'ble Supreme Court in ***Kavita Kamboj V. High Court of Punjab & Haryana***, and the judgment of High Court of Punjab and Haryana in ***Ashish Kumar Grover and others*** (cited supra) **and *Urvashi Agnihotri*** (cited supra) held that in the matter 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 Government to engage with the High Court before appointing persons to the post of District Judges under Article 233. Primacy of the recommendations of the Selection Committee was held. The Division Bench judgments of Kerala High Court in the above cited judgment, also considered the rules for appointment framed under the

Consumer Protection Act, 1986, the Selection Committee was headed by the Chairman of the State Consumer Forum and there was no requirement of order in those rules, and as there is substantial variance in the present rules, the said judgments were held to be not relevant, accordingly, the Writ Appeal was disposed of by affirming the order of the learned Single Judge, insofar as it related to the appellant therein, and upholding the setting aside of the Government Order. The State Government was directed to place its opinion, along with the relevant material, before the Selection Committee to enable it to reconsider the matter and take appropriate further action. Though the said judgment was challenged before the Hon'ble Supreme Court in S.L.P.No.14661 of 2025, the Hon'ble Supreme Court declined to interfere with the impugned judgment and further clarified that, in the event that the State Government finds some material against the candidate recommended in the order of merit, the only option left with it, is to bring the aforesaid material to the notice of the Selection Committee for taking appropriate action, instead of the State Government changing the list by itself. As the issue is covered by the above said judgment, the learned counsel for the petitioner pleaded to pass the very same order.

25. The learned counsel appearing for the respondents submitted that upon scrutiny of the applications, call letters were sent to all shortlisted candidates to appear for an interview before the Selection Committee. Petitioner herein also appeared for the interview for the post of President, District Commission, Vijayawada, along with other candidates. The Selection Committee, after

assessing the performance of each candidate in the interview, awarded marks accordingly, placed the relevant records in a sealed cover, and forwarded the same to the State Government. Under rule 6(10) of the Consumer Protection Recruitment Rules, 2020, the Selection Committee is required to recommend a panel of candidates for appointment in the order of merit for consideration by the State Government. In compliance with the said provision, the Selection Committee forwarded the panel of candidates to the State Government for appointment to the post of President, District Commission, Vijayawada. In terms of Rule 6(11) of the Consumer Protection Recruitment Rules, 2020, the State Government shall verify the credentials and antecedents of the recommended candidates. After due consideration of the recommendations made by the Selection Committee and the antecedent verification report, the State Government issued G.O.Rt.No.39, Consumer Affairs Food and Civil Supplies (CS-II) Department dated 28.07.2022 appointing respondent No.5 as President, District Commission, Vijayawada. It was further contended that mere inclusion of a candidate in the selection list does not confer any vested right to appointment and, therefore, requested to dismiss the Writ Petition.

26. Having considered the judgments relied upon by the parties, this Court is of the view that the principles laid down in W.P.No.25348 of 2022, as affirmed by the Division Bench in W.A.No.945 of 2024 and not interfered with by the Hon'ble Supreme Court in S.L.P.No.14661 of 2025, squarely apply to the present case. As already observed above, the Hon'ble Supreme Court

held that if the State Government finds some material against the candidate recommended in the order of merit, the only option left with it, is to bring the aforesaid material to the notice of the Selection Committee for taking appropriate action, instead of the State Government changing the list by itself. Thus, it was held in the aforesaid judgment by the learned single judge, as affirmed by the Division Bench, that the selection list furnished by the Selection Committee cannot be interfered with by the State Government. The role of the State Government is confined to obtaining verification of the antecedents and credentials of the recommended candidates in terms of Rules 6(11) of the rules. In the event any adverse material is found, the same shall be placed before the Selection Committee along with the antecedent report, and it is for the Selection Committee to reconsider the suitability of the candidate in accordance with the Rules. Therefore, the State Government has no authority to alter the order of merit or appoint a candidate of its choice by disregarding the recommendations of the Selection Committee. Consequently, the appointment of respondent No.5 as President, District Commission, Vijayawada, cannot be sustained.

27. Learned counsel appearing for respondent No.5 submitted that the petitioner, having attained the age of about 51 years, is not eligible for appointment as a District Judge, as he has crossed the prescribed age limit for such appointment as on the relevant date. It was contended that, under Rule 4 of the Rules governing the qualifications for appointment of President and Members of the District Commission, a person shall not be qualified for

appointment as President unless he is, or has been, or is qualified to be appointed as a District Judge. Placing reliance on the aforesaid provision, learned counsel submitted that since the petitioner does not satisfy the eligibility criteria for appointment as a District Judge on account of the age bar, he cannot be considered as a person qualified to be appointed as President of the District Commission. Consequently, it was contended that the petitioner lacks the requisite qualification and, therefore, has no locus standi to challenge the appointment of respondent No.5 as President of the District Commission.

28. It is not the case of the respondents that the petitioner's candidature was rejected on the ground of lack of qualification or that any adverse remarks or disqualification was found against him during the selection process. The only issue for consideration is whether the State Government was justified in selecting respondent No.5 for appointment as President from the panel forwarded by the Selection Committee, who was admittedly placed at sl.No.2 in the selection list. As already observed, the Selection Committee, being the authority constituted under the Rules, is entrusted with the responsibility of assessing the suitability of the candidates and examining the relevant eligibility criteria. Once the Selection Committee has conducted such an assessment and forwarded the panel in the order of merit, the State Government cannot independently reassess the suitability of the candidates or make an appointment contrary to the recommendations of the Selection

Committee. Therefore, the contention that the State Government was entitled to choose respondent No. 5 from the panel cannot be accepted.

29. That apart, the qualification prescribed under the Rules is that a person shall be eligible for appointment as President if he is, or has been, or is qualified to be appointed as a District Judge. In the present case, the petitioner was considered eligible by the Selection Committee and, after assessing his suitability, his name was included in the panel recommended for appointment as President, District Commission. Therefore, once the Selection Committee has considered the eligibility and suitability of the petitioner and included his name in the merit panel, the same cannot be questioned by respondent No.5 to contend that the petitioner is not entitled to challenge the appointment in question.

30. It is brought to the notice of this Court that the tenure of respondent No.5 is likely to expire shortly. However, the issue involved in the present writ petition cannot be said to have become infructuous merely on account of the impending expiry of the tenure. It is pertinent to note that the action of the State Government in deviating from the recommendations of the Selection Committee has already been held to be impermissible in the judgments referred to above. In view of the aforesaid legal position, the petitioner's claim for consideration in accordance with the merit-based recommendations of the Selection Committee would survive for future appointments. Further, in the event of any extension of the tenure of respondent No.5, the petitioner would continue to have a right to seek consideration in accordance with law.

Therefore, the cause raised in the present writ petition survives for adjudication.

31. Considering the submissions advanced by the learned counsel appearing for the parties and the judgments relied upon, particularly the judgment of this Court in W.P.No.25348 of 2022, as affirmed by the Division Bench in W.A.No.945 of 2024, and the clarification issued by the Hon'ble Supreme Court in S.L.P.No.14661 of 2025, the legal position is well settled that the scope of interference by the State Government with the recommendations made by the Selection Committee is limited to the extent provided under Rule 6(11) of the Rules. In terms of Rule 6(11) of the Rules, the State Government is required to verify the credentials and antecedents of the candidates recommended by the Selection Committee. In the event any adverse material is found during such verification, the State Government is required to place the same, along with its opinion, before the Selection Committee for reconsideration of its recommendation. If, after such reconsideration, the Selection Committee reiterates its recommendation, the State Government has no option except to act upon the said recommendation and issue the appointment order. The State Government cannot independently alter the order of merit or appoint a candidate of its choice by overlooking the recommendations of the Selection Committee.

32. In the present case, the State Government, without following the procedure contemplated under Rule 6(11) of the Rules and without placing any adverse material before the Selection Committee for its consideration,

proceeded to appoint respondent No. 5 as President, District Commission, Vijayawada, vide G.O.Rt.No.39, Consumer Affairs, Food and Civil Supplies (CS-II) Department, dated 28.07.2022, by deviating from the merit-based recommendations of the Selection Committee. Such action is contrary to the settled legal position and cannot be sustained. Accordingly, the order issued vide G.O.Rt.No.39, Consumer Affairs, Food and Civil Supplies (CS-II) Department, dated 28.07.2022, is liable to be set aside.

33. Accordingly, the writ petition is **allowed**. The orders issued vide G.O.Rt.No.39, Consumer Affairs, Food and Civil Supplies (CS-II) Department, dated 28.07.2022, is hereby set aside. The State Government is directed to place its opinion, along with the antecedent verification report, if any, along with all other relevant material, before the Selection Committee within a period of four (04) weeks from the date of receipt of a copy of this order, enabling the Selection Committee to reconsider the matter and take appropriate further action in accordance with law.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 03.08.2026

SAK

Whether the order is:

Speaking	☒	Reasoned	☒
Reportable		Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 30995 OF 2024

Date: 03.08.2026

SAK