

GAHC010142172026



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3662/2026

TUTUMONI DEVA GOSWAMI AND 2 ORS
SON OF LATE THULESWAR DEVA GOSWAMI, HOUSE NO. 3, BYE LANE NO.
3, TRIBENI PATH, CHANDAN NAGAR, VIP ROAD, P.O. KHANAPARA, P.S.
DISPUR, GUWAHATI- 781022, KAMRUP METRO, ASSAM.

2: PALLABI BORA
W/O. HEMANTA KR. GOGOI
P.S- DISPUR
DISTRICT- KAMRUP METRO
HOUSE NO-6
DEBADARU PATH
BYE-LANE-1 NEAR RAJDHANI MASJID
GUWAHATI-6.

3: MANOJ KUMAR SARMA
S/O. LATE UPEN SARMA
RAGHUNATH CHOUDHURY PATH
NEAR MILANPUR MASJID NO. 1
WEST JYOTINAGAR
GUWAHATI-781021
ASSAM

VERSUS

STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY FOOD, CIVIL SUPPLIES AND
CONSUMER AFFAIR DEPARTMENT, DISPUR BLOCK-E, 1ST FLOOR,
DISPUR, JANTA BHAWAN, GUWAHATI-781006.

2: THE PRINCIPAL SECRETARY
FOOD
CIVIL SUPPLIES AND CONSUMER AFFAIR DEPARTMENT
DISPUR
GUWAHATI-781006.

3:ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY
APSC JAWAHAR NAGAR
KHANAPARA GUWAHATI-781022

Advocate for the Petitioner : MR. P K ROY, MR. S K CHAKRABORTY,MRS. A CHAKRABORTY,MR B DAS

Advocate for the Respondent : GA, ASSAM, SC, APSC

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 22.07.2026

Heard Mr. P. K. Roy, learned Senior Counsel assisted by Ms. A. Chakraborty, learned counsel appearing for the petitioners. Also heard Mr. R. Dhar, learned Additional Senior Government Advocate appearing for the respondent Nos. 1 and 2 as well as Mr. T. J. Mahanta, learned Senior Counsel assisted by Ms. P. Sarma, learned counsel appearing for the respondent No. 3.

By way of this petition under Article 226 of the Constitution of India, the petitioners have put to challenge the advertisement dated 13.12.2025 issued by the respondent No. 3 and the notification dated 02.07.2026 published in the English daily The Assam Tribune.

The primary challenge is to the impugned advertisement issued for the post of Member of the Assam State Consumer Disputes Redressal Commission under the Consumer Protection (Qualification for Appointment, Method of Recruitment, Procedure of Appointment, Term of Office, Resignation and Removal of the President and the Members of the State Commission and District Commission) Rules, 2020. According to the

petitioners, despite the fact that the Apex Court, in ***Rajeshwarrao Selukar v. Mahendra Bhaskar Limaye and Others***, reported in **(2025) 8 SCC 634**, held that the said 2020 Rules were required to be amended and fresh Rules were to be notified within a period of four months from the date of the said judgment, no such Rules have yet been notified. The relevant paragraphs of the said judgment read as follows:

“105. In view of the aforesaid discussion, we deem it fit to pass the following directions, in exercise of the powers conferred under Article 142 of the Constitution:

105.1. The Union of India is directed to file an affidavit on the feasibility of a permanent adjudicatory forum for consumer disputes, either in the form of a Consumer Tribunal or a Consumer Court, within a period of 3 months from today, on the touchstone of the constitutional mandate. Such a forum shall consist of permanent Members, including both staff and the Presiding Officers. The Union of India may also consider facilitating sitting Judges to head the fora. The strength may be increased adequately.

105.2. In view of the submission made on behalf of the Union of India, we direct the Union of India to notify the new Rules within a period of 4 months from the date of this judgment, strictly adhering to the following:

105.2.1. The earlier view of this Court in Rojer Mathew, MBA (3) and MBA (4) with respect to the tenure of office being five years, being both logical and necessary, must be incorporated in the new Rules to be notified.

105.2.2. The composition of the Selection Committee shall be such that the Members from the judiciary constitute the majority. To achieve the same, the Selection Committee shall comprise two Members from the judiciary, one of whom shall be the Chairperson,

and the third Member from the executive, all of whom shall have voting rights. However, this shall not preclude the Secretary concerned from being an ex officio Member of the Selection Committee without voting rights. The proposal made by the Union of India qua Rule 6(1) of the 2020 Rules may be accordingly modified.”

It appears that the screening test pursuant to the impugned advertisement is scheduled to be held on 02.08.2026.

Issue notice, returnable on 31.07.2026.

Mr. R. Dhar, learned Additional Senior Government Advocate, accepts notice on behalf of respondent Nos. 1 and 2.

Mr. T. J. Mahanta, learned Senior Counsel, accepts notice on behalf of respondent No. 3.

Extra copies be furnished during the course of the day.

List the matter again on 31.07.2026.

On the next date, depending upon the instructions forthcoming, this Court shall consider the interim prayer pressed in the instant writ petition.

JUDGE

Comparing Assistant