



W.P.(MD) No.12703 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.12703 of 2026
and
W.M.P.(MD) No.9563 of 2026

A.Thiruneela Prasad

... Petitioner

-vs-

1.The Principal Secretary
Civil Supplied and Consumer
Protection Department
Government of Tamilnadu
4th Floor, Ezhilagam
Chepauk, Chennai-600 005

2.The Registrar
State Consumer Disputes
Redressal Commission
Frazer Bridge Road
V.O.C.Nagar (Behind TNPSC)
Park Town, Chennai-600 003

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the relieving order in RC.No.A1/2145/2025, dated 27.06.2025 issued by the second respondent to the petitioner and to quash the same and consequently direct the



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respondent No.1 and 2 to extend the tenure of the petitioner as to the office of President, District Consumer Disputes Redressal Commission, Thoothukudi, till the appointment of new President is made as per new Rules including public interest and consumer interests and consequentially direct the respondents No.1 and 2 to permit the existing Presidents and Members who are all servicing over the District Consumer Disputes Redressal Commissions, Tamilnadu and the State Consumer Disputes Redressal Commission, Tamil Nadu, without having any litigations.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.S.Shaji Bino
Special Government Pleader

ORDER

This writ petition has been filed aggrieved by an order issued by the second respondent relieving the petitioner from the post of President of District Consumer Disputes Redressal Commission, Thoothukudi, on the afternoon of 28.06.2025 on attaining the age of 65 years as per Rule 10(2) of 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.



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2. The basis for filing the present writ petition is an order passed by the Honourable Apex Court in the case of **Ganeshkumar Rajeshwarrao Selukar and others vs. Mahendra Bhaskar Limaye and others**, reported in **(2025) 8 SCC 634**. In the said decision, the Honourable Apex Court, having reviewed the entire history of the Consumer Law and having taken note of various Rules governing the appointment of President and other Members of the State and District Consumer Forums and also the numerous vacancies that are available in the said post, issued various directions in Paragraph No. 102 of the said decision. The said Paragraph No.102 of the said decision is extracted hereunder for clarity:

“102. 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:

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.



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

a. *The earlier view of this Court in Rojer Mathew (supra), MBA - III (supra) and MBA - IV (supra), 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.*

b. *The composition of the Selection Committee shall be such that the members from the Judiciary must 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 concerned Secretary 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.*

c. *No written examination, followed by a viva voce, shall be required for appointment and reappointment to the posts of President of the State Commission, Judicial Members of the State Commission and President of the District Commission.*

d. *A written examination followed by a viva voce shall be required only for appointment and reappointment to the posts of Non-Judicial Members of the State Commission and Members of the District Commission.*



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e. The written examination for appointments to the State and District Commissions shall be conducted in consultation with the respective State Service Commissions.

f. The proposal made by the Union of India qua Rule 4(1) of the 2020 Rules, as recorded by us in Para 72 of this Judgement, that the qualification for appointment to the post of President of the District Commission, shall be restricted to either a serving or a retired District Judge, stands accepted.

3) Upon notification of the new Rules by the Union of India, all the States are directed to complete the process of recruitment under the same, within a period of 4 months from the date of the notification of the said Rules.

“4) As regards the status of appointment to the posts of Presidents and Members of the State and District Commissions, we are pleased to issue the following directions:

SUMMARY OF THE RELIEFS:

	<i>Category of Persons Relief</i>	<i>Category of Persons Relief</i>
1.	<i>Persons appointed as Members of the State Commission and Presidents and Members of the District Commission in the State of Maharashtra, vide order dated 05.10.2023 pursuant to the written examination and viva voce.</i>	<i>They shall be allowed to complete their tenure in entirety. In the event of their tenure ending before the completion of the recruitment process under the new Rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process.</i>



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2.	<i>Persons seeking reappointment in the State of Maharashtra, after their services had been terminated vide order dated 06.10.2023.</i>	<i>They can be considered for reappointment in the State and District Commissions, based on the new Rules to be notified, subject to the condition that persons seeking reappointment to the posts of President and Judicial Members of the State Commission and President of the District Commission, shall not be required to undergo a written examination followed by a viva voce, while Non-Judicial Members of the State and District Commissions, shall be required to undergo a written examination followed by a viva voce. The writ petitions pending before the High Court of Bombay challenging the said termination order of the State of Maharashtra dated 06.10.2023, will have to be decided in terms of this judgment and larger principles of law.</i>
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3.	<i>Presidents and Members of the State and District Commissions who have been appointed and serving prior to Limaye - I (supra).</i>	<i>They shall be allowed to complete their tenure in entirety. In the event of their tenure ending before the completion of the recruitment process under the new Rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process.</i>
4.	<i>Presidents of the State and District Commissions, and the Judicial Members of the State Commission, in other States, with/without having given the written examination followed by a viva voce.</i>	<i>(a) Those who are appointed and serving shall be allowed to complete their tenure in entirety. In the event of their tenure ending before the completion of the recruitment process under the new Rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process. (b) Those who have been selected, but not appointed, on account of the concerned States having stayed the appointment process during the pendency of these appeals, shall be appointed to the respective post, and shall be allowed to continue in office till the entirety of their tenure.</i>



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5.	<i>Persons who are selected to the posts of Non-Judicial Members of the State Commission and Members of the District Commission, without having undergone a written examination followed by a viva voce.</i>	<i>(a) If already appointed and serving:</i> <i>(i) In case the selection process had been completed prior to the decision of this Court in Limaye - I (supra), such persons shall be entitled to complete their tenure in entirety. In the event of their tenure ending before the completion of the recruitment process under the new Rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process.</i> <i>(ii) In case the selection process has been completed post the decision of this Court in Limaye - I (supra), such persons shall be entitled to continue in their respective posts till the completion of the recruitment process under the new Rules to be notified.</i> <i>(b) If selected but not appointed, such persons shall not be entitled to be appointed.</i>
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6.	Non-Judicial Members of the State Commission and the Members of the District Commission, who have given the written examination and viva voce.	(a) If already appointed and serving, they shall be allowed to continue in service for the entirety of their tenure. In the event of their tenure ending before the completion of the recruitment process under the new rules to be notified, their appointment shall be allowed to continue until the completion of the said recruitment process. (b) If selected, but not appointed, on account of the State having stayed the appointment process during the pendency of these appeals, such persons shall be appointed to the respective posts, and shall be allowed to continue in office for the entirety of their tenure.
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7.	Persons seeking reappointment in other States after termination of their services.	They can be considered for reappointment in the State and District Commissions, based on the new Rules to be notified, subject to the condition that persons seeking reappointment to the posts of President and Judicial Members of the State Commission and President of the District Commission, shall not be required to undergo a written examination followed by a viva voce, while Non-Judicial Members of the State and District Commissions, shall be required to undergo a written examination followed by a viva voce.
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We make it clear that for all those appointments which have been allowed to continue vide this Judgment, the tenure shall be a period of 4 years. Such persons shall not be entitled to claim the benefit of this Judgment qua a five-year tenure, subject to the directions issued hereinabove. We also make it clear that this Judgment shall apply prospectively, except to the extent indicated in the directions hereinabove.”



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3. In view of the Relief Nos.3 & 4 mentioned in Sub Paragraph No. 4 of Paragraph No.102, the Presidents of the State and District Commissions and the Judicial Members of the State Commission and Members of the District Commissions, who were appointed and continuing as on the date of the said decision i.e., 21.05.2025, are directed to be continued until the new Rules are notified by the Union of India and recruitment under the said new Rules is completed notwithstanding the completion of their tenure or attaining the age of 65 years. In terms of the above said directions issued by the Honourable Apex Court, various Presidents and Members of the District Forums have approached this Court and Coordinate Benches of this Court entertained such writ petitions one after the other and issued directions to continue them till the recruitment process under the new Rules is concluded, as mandated by the Hon'ble Apex Court.

4. The present writ petition is one such writ petition. The President of the District Commission, who was relieved prior to the decision of the Honourable Apex Court also, have approached this Court. But, this Court declined to grant them any relief. The decision of the Honourable Apex Court, referred to above, is binding on the State of Tamil Nadu as well and therefore,



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WEB COPY this Court required Mr.M.Ajmal Khan, learned Additional Advocate General, to ascertain the stand of the State in giving effect to the above referred decision of the Honourable Apex Court.

5. In response to the same, Mr.M.Ajmal Khan, learned Additional Advocate General, on instructions, submitted that the State is of the view that the Presidents and Members of the District Commission, who have reached the upper age limit of 65 years, cannot be allowed to continue in the post beyond 65 years and appropriate action would be taken after the outcome in the writ appeals to be filed against the orders passed in various writ petitions, by coordinate benches of this Court. He also placed before this Court a copy of the written instructions received from the respondent No.1.

6. This Court, having taken note of the stand of the State, is unable to accept the said stand as the above referred decision of the Honourable Apex Court is binding on the State and the State is bound to give effect to the said order. It is not as if the State is unaware of the said decision, which was passed as early as on 21.05.2025, and absolutely no steps have been taken by the State to give effect to the decision of the Honourable Apex Court. The learned Additional Advocate General also could not dispute the



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binding nature of the decision of the Hon'ble Apex Court.

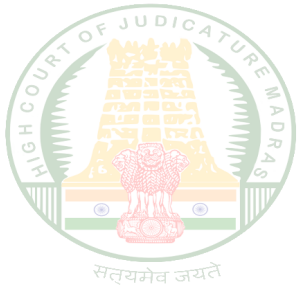
7. In the circumstances, the first respondent is directed to forthwith take all necessary steps for giving full effect to the decision of the Honourable Apex Court in **Ganeshkumar Rajeshwarrao Selukar**'s case and issue appropriate orders enabling all the Presidents and Members of the State Commission and District Commissions, within the State, who are all in service as on 21.05.2025, to officiate in their respective posts till the recruitment process is completed under the new Rules to be notified by the Union of India. The first respondent is directed to comply with this order as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order.

8. List the matter on 12.06.2026 for reporting compliance.

29.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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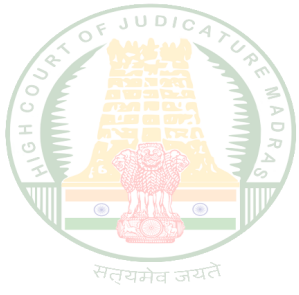


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To:

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- 2.The Registrar,
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