IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9835/2017

THE STATE OF JHARKHAND & ORS. Appellant(s)

VERSUS

UDAY NARAYAN MISHRA Respondent(s)

O R D E R

1. The present appeal, at the instance of the State of Jharkhand, takes exception to the judgment dated 3rd January, 2017, passed by the Division Bench of the High Court of Jharkhand at Ranchi in L.P.A. NO.185 of 2016.

2. The Division Bench affirmed the order dated 11th February, 2016, passed by the learned Single Judge in W.P.(S) No. 4947 of 2015. The aforesaid writ petition had been filed by the respondent who was serving as the President of the District Consumer Forum, Palamu, challenging the order dated 21st September, 2015, whereby he was removed from the post of President of the District Forum.

3. We have heard and considered the submissions advanced by learned counsel for the parties and have gone through the material available on record.

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Date: 2024.11.23 15:39:28 IST
Reason:

4. The respondent was removed from the post for purported misconduct defined in sub-rule (5)(e) of Rule 3 of the Jharkhand Consumer Protection Rules, 2001, as adapted from the Bihar Consumer Protection Rules, 1987. The relevant provision reads as follows:

> **"In addition to the provisions of Section 10(2), State Government may remove from the office, the President and member of a District Forum who-**
> **(a) has been adjudged as insolvent, or**
> **(b) has been convicted of an offence which in the opinion of the State Government involves moral turpitude, or**
> **(c) has become physically or mentally incapable of acting as such member, or**
> **(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member, or**
> ***(e) has so abused his position as to render his continuance in office prejudicial to the public interest:***
>
> ***Provided that the President or member shall not be removed from his office on the ground specified in clauses (d) and (e) of the sub rule (5) except on an enquiry held by the State Government in accordance with such procedure as it may specify in this behalf and finds the member guilty of such ground."***
>
> **(Emphasis supplied)**

5. Proviso to Rule 3 (5) mandates that the

President or member shall not be removed from his office on the grounds specified in clauses (d) and (e) of the sub-rule (5) unless an enquiry is held by the State Government in accordance with the procedure specified by it and the State Government records a finding that the member is guilty of the relevant ground.

6. A perusal of the removal order dated 21st September, 2015 (Annexure P-4) would make it clear that not even a semblance of enquiry, what to talk of an enquiry as contemplated under the proviso to Rule 3(5), was conducted before directing the removal of the respondent from the post of President, District Consumer Forum, Palamau.

7. In this background, we find no reason to interfere with the impugned order passed by the Division Bench. There is yet another reason which convinces us that the impugned order is not liable to be interfered with. The rule contemplates that the removal shall be exclusively within the domain of the State Government. However, the order of removal reflects that the decision to remove was taken by the Chairman of the Selection Committee of the State

Consumer Disputes Redressal Commission, which was later on, approved by the Departmental Minister. Hence, the decision for removal of the respondent cannot be said to be a decision of the State Government.

8. The learned Single Judge, while allowing the writ petition of the respondent, permitted the appellants to initiate a fresh enquiry, if so desired. However, as the respondent had already crossed the age of 65 years in the year 2017, no useful purpose would be served by permitting the appellants to initiate *de novo* enquiry at this belated stage. Thus, the liberty granted to the State to hold a *de novo* enquiry is set aside.

9. In this view of the matter, we find no merit in this appeal which is dismissed as such.

10. Pending application(s), if any, shall stand disposed of.

…….J.
[SANDEEP MEHTA]

…….J.
[DEVENDRA KUMAR UPADHYAYA]

NEW DELHI;
NOVEMBER 19, 2026.

ITEM NO.104 COURT NO.17 SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 9835/2017

THE STATE OF JHARKHAND & ORS. Appellant(s)

VERSUS

UDAY NARAYAN MISHRA Respondent(s)

(IA No. 70623/2018 - EXEMPTION FROM FILING O.T.
IA No. 56742/2017 - EXEMPTION FROM FILING O.T.
IA No. 70622/2018 - VACATING STAY)

Date : 19-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE DEVENDRA KUMAR UPADHYAYA

For Appellant(s) : Mr. Vishnu Sharma, Adv.
Mr. Shantanu Sagar- 2058, AOR
Mr. Anil Kumar, Adv.
Mr. Manoneet Dwivedi, Adv.
Ms. Anshala Verma, Adv.
Ms. Ishani Shrivastava, Adv.
Mr. Ankur Agraj, Adv.

For Respondent(s) :Mr. Rajnish Kumar Jha 1- 2214, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The Civil Appeal is dismissed in terms of the signed order placed on the file.

2. Pending application(s), if any, shall stand disposed of.

(SACHIN) (AKSHAY KUMAR BHORIA)
COURT MASTER (SH) COURT MASTER (NSH)