



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). NO.15220 OF 2025

Pranaya Kishore Harichandan ***Petitioner***

Mr. Susanta Kumar Dash, Sr. Advocate
appearing along with
Mr. Prabin Das, Advocate

-versus-

Union of India and Others ***Opp. Parties***

Mr. P.K. Parhi, DSGI
along with Mr. D. Gochhayat, CGC

CORAM:

JUSTICE K.R. MOHAPATRA

JUSTICE M.S. SAHOO

ORDER

30.05.2025

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. Appearance memo of Mr. Susanta Kumar Dash, learned Senior Advocate appearing on behalf of the petitioner is filed in Court, which is taken on record.
 3. The petitioner in this writ application seeks to assail the procedure adopted by the Search-cum-Selection Committee in evaluating and recommending the name of the candidates for the post of Judicial Member of Goods and Services Tax Appellate Tribunal.
 4. Mr. Dash, learned Senior Advocate appearing for the petitioner submits that pursuant to a Press release dated 15.02.2024 (Annexure-3) for appointment of Judicial Member in the GST Appellate Tribunal, the petitioner submitted his candidature. The Search-cum-Selection Committee shortlisted his name and



intimated him to appear before the said Committee for personal interaction. The petitioner pursuant to the said intimation under Annexures-6 and 7 appeared before the Search-cum-Selection Committee along with other candidates. When the matter stood thus and the petitioner was expecting his name to be recommended, he came to know that Search-cum-Selection Committee issued fresh intimation to few candidates from the list of shortlisted candidates, who were called for personal interaction earlier, to appear before the said Committee for further personal interaction, which is scheduled to be held on 31st May, 2025.

It is submitted that sub-rule (4) of Rule-3 of Goods and Services Tax Appellate Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2023 (for brevity ‘the Rules’), does not provide to make a classification of shortlisted candidates and ask them to appear for further personal interaction;

Sub-rule(4) of Rule-3 prescribes as under:

“3. Selection for posts of President and Members –

xxx

xxx

xxx

(4) The Committee shall make its recommendations based on the overall assessment of eligible candidates including assessment through the personal interaction after taking into account the suitability, record of past performance, integrity as well as adjudicating and experience keeping in view the requirements of the Tribunal and shall recommend a panel of two names for every post for which selection is being done in accordance with the provisions of sub-section (6) of section 110 of the Act.”

(emphasis supplied)

5. He, therefore, submits that once personal interaction and overall assessment of the eligible shortlisted candidates has taken place, the Search-cum-Selection Committee can only make recommendation of names for final selection and it does not have any power to make further classification of candidates and make



further personal interaction with some of the shortlisted candidates ignoring others. It is his submission that although the petitioner has appeared before the Search-cum- Selection Committee pursuant to the intimation for personal interaction, he was not called to the subsequent personal interaction scheduled to be held on 31st May, 2025 which is in deviation of sub-rule(4) of rule-3 of the Rules. He therefore, prays for intervention of this Court in the matter.

6. Mr. Parhi, learned DSGI along with Mr. D. Gochhayat, learned CGC files appearance memo on behalf of the opposite parties-Union of India, which is taken on record.

7. Mr. Parhi, learned DSGI although brings notice of this Court to clause-4 of Form-1 appended to the Rules, but prays for an adjournment to take detail instruction in the matter. He drew attention of this Court to clause-4 which deals with procedure for selection vis-à-vis Rule-19 of the Rules which deals with 'Interpretation'. It is his submission that the Search-cum-Selection Committee has the power for further personal interaction to recommend names as per rule-3(4) of the Rules.

He further submits that a short date may be fixed so that instruction would be obtained before taking up final decision in the matter of selection of Judicial Member of the GST Appellate Tribunal. He further seeks leave of this Court to take instruction as to how some of shortlisted candidates have been called for further personal interaction as alleged by the petitioner.

7. In view of the above, we feel that the matter requires consideration. Hence issue notice.

8. Since Mr. Parhi, learned DSGI accepts notice on behalf of opposite parties, three extra copies of the brief shall be served on



him within three days hence to enable him to take instruction in the matter.

9. As prayed for, put up on 20th June, 2025. Instructions, if any, shall be obtained in the meantime positively.

I.A. No.9152 of 2025

10. Issue notice as above.

11. Since finding a prima-facie case in favour of the petitioner, we have issued notice in the writ petition, we feel it proper to make an interim arrangement. Hence, as a purely interim measure, we direct that the selection of Judicial Member of the GST Appellate Tribunal may continue but no final decision shall be taken in the matter till the next date.

(K.R. Mohapatra)
Vacation Judge

(M.S. Sahoo)
Vacation Judge

dutta/Radha