

food. The Trust also publishes a couple of monthly journals on environment and related issues. As an active participant in the movement for environment protection, I had been to Japan to study the impact of Fukushima Nuclear Disaster. I am participating in several discussions and debates touching environment protection in the media and I am giving lectures to school and college students with a view to creating environmental awareness. I initiate this public interest litigation in discharge of my fundamental duties under Article 51A (g) and (j) of the Constitution of India .

3. I state that the National Green Tribunal was established "for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected there with or incidental thereto." Section 5 of the National Green Tribunal Act, 2018 (for short, the Act) provides for the qualifications for appointment of Chairperson, Judicial Member and Expert Member. Section 5 (2) (b) of the Act says that a person shall not be qualified for appointment as an Expert Member unless he has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution. Contrary to the mandatory requirement of experience of five years in dealing with environmental matters as provided under Section 5 (2) (b) of the Act, the proposal for appointment of respondent no.3 as an Expert Member of the National Green Tribunal has been approved by the Appointments Committee of the Cabinet vide a notification bearing no. 09/27/2020-EO(SM.II) dated 12.12.2020 issued by respondent no.2. Hence this Writ Petition in public interest on the following ground:

GROUND

It is submitted that respondent no.3 who has been selected for appointment to the post of Expert Member in the National Green Tribunal has not possessed an experience of five years in dealing with environmental matters as could be seen from her "Complete Bio Data" found in the official website of respondent no.2. Section 5 (2) (b) of the Act is categorical to the effect that a person shall not be

qualified for appointment as an Expert Member unless he has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution. Respondent no.3 who is not qualified under Section 5 (2) (b) of the Act ought not to have been considered for the post of Expert Member in the National Green Tribunal by respondents 1 and 2. While dealing with the appointment of Chairpersons and Members of State Pollution Control Boards, the Supreme Court has in *Techi Tagi Tara vs Rajendra Singh Bhandari* : (2018) 11 SCC 734 held: "We make it clear that it is left open to public spirited individuals to move the appropriate High Court for the issuance of a writ of quo warranto if any person who does not meet the statutory or constitutional requirements is appointed as a Chairperson or a member of any SPCB or is presently continuing as such." Here, respondent no.3 who has not possessed the statutory qualifications, has been approved by the Appointments Committee of the Cabinet for appointment to the post of Expert Member in the National Green Tribunal vide a notification dated 12.12.2020 issued by respondent no.2. Therefore, the said notification dated 12.12.2018, so far as it concerns respondent no.3, is null and void.

4. I state that I do not possess the original impugned order viz. the notification bearing No.09/27/2020-EO (SM.II) dated 12.12.2020 issued by respondent no.2. However, I have produced a copy of the same on record.

5. I state that I have not filed any other petition in this Hon'ble Court or any other Court regarding the subject matter of this writ petition.

6. I state that I have no personal interest in the case. I have already filed four writ petitions in public interest including WP Nos. 24770 of 2011 and 8262 of 2012. I have recently filed a PIL viz. WP 11286 of 2020 with regard EIA 2020 Notification issued by the Ministry of Environment, Forest and Climate Change of the Union of India. I undertake to pay the costs, if any, if this PIL is found to be intended for personal gain or oblique motive. I have filed this petition from my own funds. My annual income would be approximately Rs.15 Lakhs per annum. My Permanent Account Number (PAN) is ATVPS2181C. This public interest litigation is maintainable in law. To my knowledge, there is no public Interest Litigation with regard to the subject matter of this petition pending before the Hon'ble Court or the Madurai Bench of the Hon'ble Court. The contents of this paragraph are in compliance with the Rules to regulate the Public Interest Litigations filed under Article 226 of the Constitution of India.

Solemnly affirmed at Chennai
this the 22nd day of December 2020
and signed his name in my presence

Before me

