

Topic: Removal Of A Member Under Article 316

Name of the Case: Ref No 1 of 2006, decided on 8 July 2009, (2009) 8 SCC 41: Chhattisgarh Public Service commission

Background: In a reference made by the President under Article 317 of the Constitution, the question relating to misbehavior by the Chairman of the Chhattisgarh Service Commission came up for consideration before the Supreme Court. On facts, the court found that the evidence did not warrant any conclusion of misbehavior. But in the course of the judgement, the court expressed certain views regarding the object behind the provisions of Article 315 and 317 of the Constitution.

Judgment: In relation to Article 315, the Court held that the object of the Article is to ensure that the commission should be independent and impartial body as indicated by their salary etc. being charged on the consolidated fund of the state and the removal by following the procedure laid down in the Constitution, i.e, their offices were constitutionally protected. The court also noted that misbehavior is not defined in Article 317 but what constitute misbehavior in these words:

“The chairman of the Public Service Commission expected to show absolute integrity and impartiality in exercising the powers and duties a chairman. His actions shall be transparent and he shall discharge his functions with utmost sincerity and integrity. If there is any failure on his part, or he commits any act which is not befitting the honour and prestige as a chairman of the Public Service Commission, it would amount to misbehaviour as contemplated under the Constitution. If it is proved that he has shown any favour to the candidate during the selection process, that would certainly be an act of misbehaviour.”