

(1998) 11 AHC CK 0044
In the Allahabad High Court
Case No : C.M.W.P. No. 1335 of 1996

N.B. Singh, Additional District and Sessions Judge, Budaun	APPELLANT
Vs	
Lakshmi Bihar, District Judge and others	RESPONDENT

Date of Decision : 12-11-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 1 AWC 129 : (1999) 2 UPLBEC 1016

Hon'ble Judges : R.K. Singh, J;B.K. Roy, J

Bench : Division Bench

Advocate : W.H. Khan, for the Appellant;

Judgement

B.K. Roy and R.K. Singh, J.—The petitioner, who is presently posted at Deoria, has come up with prayers to quash (i) the Adverse Entry dated 11.5.1994 awarded to him vide D.O. No. C-516/94. dated June 18. 1994, as contained in Annexure-5 : (ii) the Order dated 29.6.1994. which is part of Annexure-5 itself, and (iii) the Order dated 8.6.1995, as contained in Annexure-7.

1.1. The document appended as Annexure-5 shows that it is copy of the confidential communication being D.O. No. 62/ST/94 of the District Judge, Budaun to the petitioner along with D.O. No. C-516/94 of the Court containing the Adverse Entry dated 11.5.1994 of the Court which reads thus :

"Deliberately avoided to attend the official meeting with Hon"ble Acting Chief Justice on 23.10.1993, at the irrigation Inspection House, during his Lordship"s visit to Mirzapur. He is guilty of disobedience. He is also impertinent and arrogant in his behaviour."

1.2. The document appended as Annexure-7 is copy of D.O. No. 46/ST/90 dated June 8. 1995 of the District Judge. Budaun intimating the petitioner that his Representation dated 4.7.1994 against the Adverse Remarks has been considered and rejected enclosing photostat copy of the Court"s Confidential D.O. No. C-604/Cf(A)-995 dated, Allahabad, May 31. 1995, which, however, has

not been filed by the petitioners.

2. The petitioner asserts, inter alia, that on 23.10.1993. he was posted as an Additional District and Sessions Judge, Mirzapur that 23.10.1993 was a holiday and he was on fast and performing Havan while celebrating Ram Navmi. a sacred festival of Hindus ; that on that day, i.e., 23.10.1993 the District Judge, Mirzapur (respondent No. 1) had deputed all Judicial Officers on duty at Irrigation Inspection House. Mirzapur to meet Hon"ble the Acting Chief Justice to this Court who had gone to worship the Goddess Kali at Vindhyachal, which is part of Mirzapur, that he did not meet Hon"ble the Acting Chief Justice ; that after Dussehra vacation respondent No. 1 enquired from him in regard to his absence at the Irrigation Inspection House. Mirzapur on 23.10.1993 vide his letter dated 25.10.1993 (copy appended as Annexure-2) to which he replied, explaining his absence and apology through his letter dated 25.10.1993 (copy appended as Annexure-3) to respondent No. 1 ; that respondent No. 1 through his letter reported his absence along with copy of his letter dated 25.10.1993 to the Registrar of this Court (respondent No. 2) ; that respondent No. 2 placed the aforesaid letter before the Hon"ble Administrative Judge. Incharge of the Judgeship of Mirzapur, that on being asked by the Administrative Judge the petitioner met and apprised him about the whole facts concerning the incident : that (hereafter he received the D.O. letters as contained in Annexure-5 ; that he made representation against the Adverse Remarks on 4.7.1994 (copy appended as Annexure-6) ; that his representation was rejected by the Court vide order dated 8.6.1995, which was communicated to him on 13.6.1995 (copy appended as Annexure-7) ; that in fact the petitioner was not informed that any official meeting of his was fixed with Hon"ble Acting Chief Justice, whose visit was not an official visit but a personal visit ; that the petitioner did not avoid with any oblique motive to attend the meeting ; that despite the fact that he was on fast and busy in his Pooja and 23.10.1993 being a holiday and, therefore, he could not be present at the Inspection House, yet it appears that respondent No. 1 in his report made certain comments against him with ulterior motive ; that he was not supplied copy of the report of the District Judge and was not given any opportunity to have his say in that regard ; that there was no material justifying adverse remarks about his disobedience, impertinence and arrogance ; that his representation was not considered fully ; that the order rejecting his representation does not contain any reason rather it has been dealt with arbitrarily ; that the adverse remarks and rejection of his representation are illegal and against express directions of the Court as contained in its Circulars as contained in Annexure-1. besides his Fundamental Rights to worship and religion guaranteed under Part III of the Constitution has been breached : that he filed a Writ Petition under Article 32 of the Constitution of India before the Hon"ble Supreme Court, which was disposed of by order dated 13.10.1995 giving liberty to him to move this Court in the matter (copy appended as Annexure-8) and hence this writ petition.

3. In the counter-affidavit, a copy of which was served on the petitioner on

21.9.1998, filed on behalf of respondent Nos. 2 and 3, sworn by Sri. T. M. Khan. O.S.D. (Litigation), it has been stated, inter alia, that he has been authorised to file it ; that he is fully acquainted with the facts deposed to : that in regard to the incident in question the District Judge, Mirzapur sent his report dated 23.10.1993 in regard to the absence of the petitioner from official meeting of the officers of Mirzapur Judgeship with Hon"ble Chief Justice on 23.10.1993 to the effect that the petitioner was absent without any information to him from the official meeting of the judicial officers of his judgeship with Hon"ble the Chief Justice fixed at Irrigation Inspection House, Mirzapur ; that when asked to explain reasons for his absence the petitioner submitted his explanation through his letter dated 25.10.1993 that he had no knowledge about the meeting and that the visit of Hon"ble the Chief Justice was private ; that the plea of the petitioner that he had no knowledge of the said meeting was false and unacceptable : "that the District Judge recorded his disapproval of the conduct of the petitioner as a Judicial Officer and reported the Court for taking appropriate action ; that during his meeting with Hon"ble Administrative Judge the latter tried to convince him that whenever a meeting is arranged of a Judicial Officer with any Judge or Chief Justice of this Court, it is required to be attended by the Judicial Officer, so far as is possible but the way in which he talked to the Administrative Judge showed arrogance and impertinence which is not expected from an officer of the rank of an Additional District Judge : that the Hon"ble Administrative Judge on 16.3.1994 proposed and directed that the following adverse entry be made in the Character Roll of the petitioner : "Deliberately avoided to attend the official meeting with Hon"ble Acting Chief Justice on 23.10.1993, at the Irrigation Inspection House, during His Lordship's visit to Mirzapur. He is guilty of disobedience. He is also impertinent and arrogant in his behaviour" ; that the representation dated 4.7.1994, made against the adverse remarks of the Court dated 11.5.1994, was considered on 25.5.1994 in the meeting of the Administrative Committee of the Court and it was resolved to reject his representation after fair consideration and elaboration ; that for the year 1995-96 the Court has also given adverse remarks to the petitioner which reads thus : "His turnover during the year was 112.44% which is satisfactory. He did not take adequate interest in disposing of civil cases as his disposal of civil cases was only of about 7-1/2 days of his turnover during the entire year. He is rated as a fair officer. Nothing has come to my notice which may cast any reflection on his integrity which is certified" ; that the aforesaid adverse remarks were communicated to him through Court's D.O. No. C-698/96, dated 27.8.1996 through District Judge. Mirzapur ; that no provision of the Constitution or any other law has been violated in taking action against the petitioner, which is strictly within the framework of the Constitution ; that none of the grounds raised call for any inference by this Court ; and that the writ petition deserves to be dismissed with costs.

3.1. In the counter-affidavit, following facts have also been stated :

(a) For the year 1976-77 the Court gave the following adverse remark to the

petitioner : "He is a junior officer and it is distressing to note that he lacks courtesy and good manners. He is not amenable to the advice of the District Judge. His disposal is very inadequate. There is nothing to doubt his integrity."

(b) For the year 1977-78 the Court gave the following adverse remarks : "His knowledge of law is poor and appreciation of evidence unsatisfactory. His judgments are not sound and are sometimes vitiated even by misreading of documents. He lacks thoroughness and does not care to acquaint himself fully with the pleadings of the parties. His disposal is below standard. His studied reluctance to call on the District Judge betrays lack of good manners in him. His insularity and isolation have deprived him of the wholesome opportunity of learning from contact with his senior officers. He should, have avoided occupying the house of a practising lawyer. There is, however, nothing to doubt his integrity."

(c) The aforesaid remarks were communicated to him vide D.O. No. C-1865/78, dated 19.10.1978.

(d) He made representation dated 6.11.1979 concerning the aforesaid remarks.

(e) After consideration of his representation the remarks of 1976-77 were modified and substituted in these terms : "He is a junior officer and it is distressing to note that he lacks courtesy and good manners. He is not amenable to the advice of the District Judge. His disposal is very inadequate. Low disposal has, however, been sufficiently explained. There is nothing to doubt his integrity" ; and the remarks that "His disposal is below standard" for the year 1977-78 was substituted by the following : "His disposal is just standard" and his representation relating to other adverse remarks was rejected by the Court and he was informed accordingly, through the District Judge, Kheri.

(f) For the year 1979-80 the District Judge, Kheri had recorded the following adverse remarks against him:

"1 (e) Control over the file in the matter of?

Inspite of repeated Instructions, he does not fix the cases properly in the cause list. He fixes a large which is humanly Impossible for any judicial officer to deal with the result that he has to grant adjournments unnecessarily.

(i) proper fixation of cause list.

(ii) Avoidance of unnecessary adjournments.

1 (f) Whether Judgment on facts and law are on the whole sound, well reasoned and expressed language.

Hia Judgments need improvement. Some of the judgments lacked discussion and an attempt was made to dispose of the case a very short point without making efforts to deal with the matter seriously.

1 (k) Whether the officer has made regular Inspection of his Court and the office

in his charge during the year. and whether such inspections were full and effective.

He has made regular Inspections of his Court and office. Inspite of repeated instructions on the inspection notes, he has not tried to improve the standard.

1(m) Whether amendable to the advice of the District Judge and other superior officers.

No

3. Otherremarks, if any :

He is an officer who does not mix with his brother officers. He keeps himself socially all of This could be appreciated vis-a--vis the Advocates and not be officers. After he came to this district. inspite of my repeated requests, he did officer or officers of his status. Last year. I did not award an adverse remark and wrote a D.O. to him to Improve in this matter, but as the report was he has not done so. In the last, I sent a D.O. to him asking for the earlier letter, but I am not satisfied with the compliance which he has made. As

he does not mix with his brother officers, he has developed perversity in his manners and habits and that also affects his Judicial work. It may be pointed out that once, he had a common retiring room, he started taking food in his own Court room. A.D.O. was sent to him not to do so but he did not listen."

(g) The petitioner represented against the aforementioned remarks through his representation dated 17.6.1980, which was duly considered and rejected and he was informed accordingly through Court's D.O. No. C-185/81, dated 5.2.1981 through District Judge, Kheri ;

(h) For the year 1983-84, the following adverse remarks were recorded against, the petitioner : "Disposal above standard being 116%. District Judge says his judgments are on the whole well discussed and couched in satisfactory language. Relations with the Bar normal, but the same cannot be said as regards brother officers about whom the District Judge says that he has not maintained any relations with them and ,called neither on the brother officers nor even the District Judge. His inspections were, however, regular and effective. On an overall assessment the District Judge has rated him as a fair officer. Integrity is certified."

(i) The aforesaid remarks were communicated to him through Court's D.O. No. C-516/85 dated 26.4.1985 through District Judge, Gorakhpur.

The submissions :

4. When this writ petition was placed before us on 30.10.1998 and after we had proceeded to hear Sri W. H. Khan, the learned counsel for the petitioner at some length, he made a prayer for adjournment. What happened on that date stands reflected in our order dated 30.10.1998 which is being reproduced below :

"Sri W. H. Khan, learned counsel for the petitioner comes up with a prayer for adjournment on the ground that he has received a copy of the counter-affidavit on 21.9.1998 and even though sent intimation to the petitioner who happens to be a judicial officer, but for the reasons unknown to him he has not come to file a rejoinder-affidavit to the counter-affidavit. Since Mr. Khan has proceeded to make submissions before us that the visit of the then Hon''ble Acting Chief Justice to Mirzapur on 23.10.1993 was unofficial one and that day being holiday on account of Ram Naumi, the petitioner was on fast, performing pooja and Ragbhog and was thus not required to meet the Hon''ble Acting Chief Justice on that day. Since there is a prayer for adjournment, we reserve our comments in regard to the-submissions so far made by Mr. Khan.

Put up (his matter for further hearing on 12th November, 1998 awaiting the rejoinder-affidavit of the petitioner. It is clarified that on that day, the case will be decided finally on the materials already on the record, if the petitioner falls to file his rejoinder - affidavit."

5. Today when this case was called out for its further hearing, Sri Khan again came up with a prayer for adjournment on the ground that since the petitioner was busy in attending the Lok Adalat yesterday, he could not come to Allahabad. The Lok Adalat, according to Mr. Khan was performed at Deoria where the petitioner is presently posted. We refused to adjourn stating orally that the petitioner could have come to Allahabad after Lok Adalat by morning and given instructions to him and that in terms of our earlier order, we will like to proceed with further hearing, Mr. Khan proceeded to argue this case further.

6. The contentions of Mr. Khan are as follows : (i) If the records of the Administrative side of the Court are summoned in regard to the visit of the then Hon''ble Acting Chief Justice to Mirzapur on 23.10.1993. it will disclose that the said visit was absolutely private and not an official one and thus in view of the Circular of this Court as contained in Annexure-1 and another Circular dated 23.4.1992, no Judicial Officer was required to see the Hon''ble Acting Chief Justice, (ii) Principles of natural justice were violated inasmuch as the petitioner was not supplied copy of the Report of the District Judge on the basis of which adverse remarks were recorded., (iii) 23.10.1993 being Ram Naumi day was a declared holiday, and the petitioner was on fast and performing his pooja and exercising his fundamental right guaranteed under Part III of the Constitution and thus unable to attend the meeting for which he had also apologised at the earliest. As held by the Apex Court in R. C. Sood v. High Court of Rajasthan. 1994 (3) SCC 711 , the High Court while dealing on administrative side with the members of subordinate judiciary was required to act fairly and non-arbitrarily and thus the adverse remarks recorded against him and the resolution of the Administrative Committee all are liable to be quashed, (iv) Proviso to Rule 4B (1) requires concurrence of Hon''ble The Chief Justice before issuance of the adverse remarks made by the Hon''ble Administrative Judge in regard to conduct of the petitioner which vitiates everything. In support of this proposition of law Mr.

Khan placed reliance on a decision of the Apex Court in D.K. Agarwal Vs. High Court of Judicature at Allahabad, Alternatively, mercy be shown to the petitioner.

Our Findings :

7. We take up first contention No. (iv) Rule 4B (1), Chapter III of the Rules of the Court, as it was then, reads thus :

"Review of judicial work of subordinate courts and control of their working including inspection thereof and making entries in the character Rolls of officers of the subordinate judiciary, perusal of returns, calendars and inspection reports, audit reports received from those Courts and to make orders thereon, provided that adverse remarks or strictures made by Administrative Judges about judicial work or conduct of any Officer of the subordinate judiciary will be placed before the Chief Justice before issue.

7.1. All what the aforementioned Rule requires is that the adverse remarks or strictures made by the Administrative Judges about the judicial work or conduct of any officer of the subordinate judiciary is to be placed before Hon"ble the Chief Justice before its issue. The object behind this rule is that Hon"ble Chief Justice be made aware of the orders, if any of the Administrative Judge.

7.2. Nowhere in the writ petition the petitioner has made any statement that his adverse remarks were not placed before Hon"ble the Chief Justice prior to its issuance to him.

7.3. Even though the provisions of the Indian Evidence Act are not in terms applicable to the proceedings under Article 226 of the Constitution yet the principle engrafted u/s 114 (c) of the said Act concerning presumptions of correctness and regularity in regard to the official and judicial acts would be applicable to the proceedings. The act in question was done by the High Court on its administrative side which is the Apex Court of the State. Thus, this presumption will be of the highest degree and the onus will be very heavy on a person who challenges this presumption which has not been discharged by the petitioner. He has made self serving statements. Yet for the ends of justice we called for the records. The record discloses that before issuance of the D.O. letter dated 18.1.1994 incorporating the adverse entry awarded by the then Hon"ble Administrative Judge. Mr. Pant the Joint Registrar (Confidential) had placed the records before the then Hon"ble the Chief Justice Mr. Justice S.S. Sodhi and it does bear an endorsement dated 2.6.1994 of Hon"ble the Chief Justice and thereafter the adverse remarks were communicated. Thus, the requirement of the proviso attached to Rule 4B (1) was fully complied with and it was not breached.

7.4. Every decision, be it of High Court or of the Hon"ble Supreme Court, has to be understood with reference to the facts and circumstances under which it has been rendered. In D.K. Agarwal. (supra) strongly relied upon by Mr. Khan the Chief Justice had not agreed after enquiry with adverse remarks in question, yet

they were communicated and sought to be relied upon and in that backdrop, the Apex Court held that "this was done in utter violation of the proviso to Rule 4B and also in disregard of the minutes of enquiry of the learned Chief Justice." To the instant case, thus, the ratio laid down by the Apex Court does not apply. Accordingly, we reject this submission of Mr. Khan.

8. Now we take up contention Nos. (i) and (iii). The petitioner has not filed rejoinder to the counter-affidavit. It is significant to note that the petitioner had taken up a stand in his reply letter dated 25.10.1993 to the District Judge, Mirzapur (as contained in Annexure-3) that he was not aware of the fact that the Judicial Officers were required to meet the Hon''ble Acting Chief Justice during his stay on 23.10.1993 at the Irrigation Inspection House, Mirzapur. Such a plea was not taken by the petitioner in his representation dated 4.10.1994 (as contained in Annexure-6). However, in paragraph 29 of the writ petition he has reiterated his stand by stating that he was not informed that any official meeting has been fixed. In paragraph 10 of counter-affidavit, it has been categorically stated that the programme of visit of Hon''ble Chief Justice was circulated amongst Judicial Officers of the Judgeship and the Schedule included an official meeting of Hon''ble Chief Justice with Judicial Officers from 12 : 15 p.m. to 1 p.m. on 23.10.1993 at the Irrigation Inspection House, Mirzapur. When we told Mr. Khan that in somewhat similar circumstances Sri Ram Babu Yadav, the then Chief Judicial Magistrate, Chamoli pleaded his ignorance in his show-cause on affidavit about the official visit of his Inspecting Judge in the year 1995 in a contempt proceeding initiated on the Report of the Inspecting Judge the matter was enquired into by a Division Bench of which one of us (Binod Kumar Roy, J.) was the Presiding Judge, and it transpired that the said defence was false and subsequently he was found guilty and convicted and that we are prepared to summon the original communication circulated by respondent No. 1 to all his Judicial Officers which must have contained the signature of the judicial officials including the petitioner, like the Chief Judicial Magistrate, Chamoli, Mr. Khan gives up this stand of the petitioner. We, accordingly, accept the statements made in the counter-affidavit as wholly true. It is indeed unfortunate for the petitioner to take a false plea in his reply letter and reiterate in this writ petition after giving it up in his representation.

8.1. Undoubtedly 23.10.1993 was a holiday, on which date Hon''ble the Acting Chief Justice visited. Mirzapur. If the petitioner was really performing Pooja and was on fast and unable to attend the meeting the propriety demanded that he should have contacted respondent No. 1 either by writing a letter or otherwise expressing reasons for his inability in not attending his scheduled meeting with Hon''ble Acting Chief Justice. The petitioner never intimated his District Judge. Accordingly, we refuse to believe his defence.

8.2. Now we proceed to examine yet another limb of argument of Mr. Khan that even assuming that the petitioner was informed of the scheduled meeting with Hon''ble the Chief Justice, his visit being unofficial and on a holiday and in view

of the Circulars, no wrong was committed by him in not meeting the Hon''ble Chief Justice.

8.3. A Judicial Officer, without permission, cannot leave his headquarters even on a holiday. Even we, when requested by Hon''ble the Chief Justice to hear a case on a holiday, do take up a case. The petitioner being a Judicial Officer will be deemed to be on duty 24 hours. It does not lie in his mouth to take up a defence based on alleged exercise of his Fundamental Rights of worship and religion which was never sought to be breached by fixation of his meeting with Hon''ble Acting Chief Justice between 12 : 15 p.m. to 1 : 00 p.m. of 23.10.1993. It appears that Hon''ble Acting Chief Justice had expressed a desire to meet the Judicial Officers of the Judgeship of Mirzapur at Mirzapur thus it cannot be said that the scheduled meeting of Hon''ble the Acting Chief Justice was private. The Chief Justice of the High Court, which is the Apex Court of the State, is pater families of the entire State Judiciary subordinate to the High Court. He is also Chairman of the Administrative Committee under Rule 4 (A) 1 Chapter III of the Rules of the Court and is vested with powers of "General Supervision and Control of Subordinate Courts and the Vigilance Cell of the Court". It is within his privilege and power to fix his programme in regard to meeting a Judicial Officer stationed at a particular Judgeship, either alone or in batch, to ascertain first hand informations in regard to any complaint or any other relevant matter concerning and/or relating to administration of Justice of the High Court vis-a-vis the Judgeship during his visits to the Judgeship. His visit, thus cannot be held to be private.

8.4. Now we proceed to consider Circulars relied upon by Mr. Khan. 1948 Circular appended as Annexure- 1 to the writ petition talks of Inspection of the civil courts and is irrelevant to the present controversy. 1975 Circular which is part of Annexure-1. talks of in regard to visit of Administrative Judges, which is also irrelevant. Circular No. 26/IC-7, dated April 23, 1992 which has not been appended as Annexure to the writ petition, but nevertheless referred to and relied upon, by Mr. Khan, reads thus :

"I am directed to refer to Court's Circular Letter No. 8/IC-7.,dated January 16, 1986 and to say that its directions are not being followed. Further, it may be emphasised that while the Hon''ble the Chief Justice is on a visit to a district, the Judicial Officers of the stations need not and should not come only to pay their respect to his Lordship as it only entail waste of their time and inconvenience to the lawyers and the litigants. Similarly the Judicial Officers should not come to receive or see off at the border of the incoming station.

I am, therefore, to request you kindly to see that while the Hon''ble the Chief Justice is on private/official visit to a district it may be ensured that no Judicial Officer is permitted to see his Lordship during office hours. Further, the District Judges and officers from adjoining district also should not come for courtesy call to the Hon''ble the Chief Justice, However, if some officer has a genuine problem, he can meet his Lordship after Court hours and with prior appointment.

Kindly ensure strict compliance of the above directions."

The Instructions made through this Circular are very clear that Judicial Officer of his own, should not meet the Hon"ble Chief Justice during his visits during Court hours though he can meet him after Court hours with prior appointment.

8.5. In the instant case a schedule of meeting of the Hon"ble Chief Justice with the Judicial Officers of Mirzapur was fixed and communicated to the petitioner through the District Judge, Mirzapur. It is unnecessary to emphasize the reasons for arrangement of such a meeting of the Judicial Officers with Hon"ble Chief Justice or the Hon"ble Inspecting Judge (Formerly Administrative Judges) during their visits to a Judgeship. Thus, reliance of Mr. Khan on the aforementioned three Circulars is of no help to the petitioner.

9. The apology sought for by the petitioner referred to by Mr. Khan, was not only qualified but in regard to a different context which is apparent from a bare perusal of his Reply Letter dated 25.10.1993. The English translation of the relevant statement is as under :

"Though this was the day of festival on which all devotees go to see Mother Goddess but if any wrong has been committed by him concerning seeing and worshipping of the Mother then he will seek apology from Hon"ble Chief Justice."

It cannot be accepted that the petitioner went on performing Havan. Pooja and Darshan for the whole day on 23.10.1993, though he may be on fast as alleged. It was thus rightly not accepted.

9.1. Reliance of Mr. Khan on the decision of the Apex Court in R. C. Sood (supra) is also of no help inasmuch as the facts of Sood's case are entirely different from the instant one. Here the adverse remarks were recorded by the Administrative Judge after hearing him and apparently watching his conduct. There is no substance in the allegation of unfairness and/or arbitrariness at the time of award of the adverse remarks by the Administrative Judge.

9.2. The records called for by us disclose that his representation dated 4.7.1994 was placed before the Administrative Committee in its meeting held on 25.5.1995 under Agenda No. 12 and the following Resolution was passed in that regard :

"12. Considered the representation dated 4.7.1994 submitted by Sri N.B. Singh, IIIrd Additional District and Sessions Judge. Budaun in respect of adverse remarks recorded by the Court on 11.5.1994. Office note dated 24.1.1995 and the note of the then Administrative Judge dated 16.3.1994. Resolved that the representation be rejected."

9.3. Thus, the Resolution clearly shows consideration of his representation and note dated 16.3.1994 of the Administrative Judge. The allegation of unfairness, arbitrariness, etc. are wholly misconceived and rejected. While adopting its resolution the Administrative Committee is not required to give detailed reasons

considering each and every defence taken by the petitioner in his representation.

10. Now we proceed to consider contention No. (ii) of Mr. Khan. In his representation dated 4.10.1994 (Annexure-6) the petitioner has stated that the "District Judge, Mirzapur had incorrectly reported against me to the Registrar of the Court having given it the name of official meeting" and that "he had reported against me only with some ulterior motive"

10.1. Unless he was aware of the contents of the Report he could not have mentioned the aforesaid comments/allegation against respondent No. 1. In his Representation he never alleged violation of principles of natural justice.

10.2. On his own pleading the petitioner was given a personal hearing by the Administrative Judge before recording of his Adverse Remarks. We will presume that the impertinency and arrogance in his behaviour must have been marked by the Administrative Judge during his talks with the petitioner which has been reflected in the adverse remarks.

10.3. Thus, there is no merit in this contention of Mr. Khan either.

11. Now we come to the last contention, i.e., the alternative plea of mercy. The petitioner had earned several adverse remarks in his career so far. The petitioner has also taken recourse to falsehood while taking a plea of his absence of knowledge in regard to the schedule concerning his meeting with Hon"ble The Chief Justice. His apology, as demonstrated earlier, was qualified and sought for a different reason. He has unfortunately chosen to make wild and uncalled for allegation of mala fide against respondent No. 1. Therefore, we have no good ground to accept the plea of mercy for setting aside or nullifying the remarks of the then Administrative Judge or of the resolution of the Administrative Committee besides they cannot be set aside or nullified under Article 226 of the Constitution of India on such a plea unless they come within well-settled parameters of Article 226 of the Constitution of India.

12. For the reasons aforementioned, this writ petition is dismissed.