
(2009) 12 RAJ CK 0034
In the Rajasthan High Court

Rajasthan High Court Mukhya Peeth Jodhpur Bachao
Sangarsh Samiti and Others

APPELLANT

Vs

Dal Mill and Others

RESPONDENT

Date of Decision : 04-12-2009

Acts Referred:

Rajasthan High Court of Judicature Rules, 1952 — Rule 54

Citation : (2010) 1 WLN 313

Hon'ble Judges : Jagdish Bhalla, C.J.;Prakash Tatia, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Jagdish Bhalla, C.J.—This appeal arises out of the directions issued by the learned Single Judge. The leave as prayed for was granted by the Coordinate Bench and ad interim order was passed.

2. Heard learned Counsel for the parties.

3. The only question before this Court is whether only the Chief Justice has authority to regulate the cause list or puisne Judges can also regulate the cause list by passing order in judicial side. In this connection, the appellant has drawn our attention to Rule 54 of the Rajasthan High Court Rules, 1952. Learned Counsel for the appellant has also relied upon the judgment in the case of State of Rajasthan Vs. Prakash Chand and Others, and the High Court of Judicature for High Court of Judicature for Rajasthan Vs. Ramesh Chand Paliwal and Another,

4. It would be relevant to quote Rule 54 of the Rajasthan High Court Rules, 1952.

54. Constitution of Benches: Judges shall sit alone or in such Division Courts, as may be constituted from time to time and do such work as may be allotted to them by order of the Chief Justice or in accordance with his direction.

5. In the case of State of Rajasthan v. Prakash Chand (supra), it has been held:

67. From the preceding discussion, the following broad conclusions emerge. This,

of course, is into to be treated as a summary of our judgment and the conclusions should be read with the text of the judgment:

(2) That the Chief Justice is the master of the roster. He alone has the prerogative to constitute benches of the court and allocate cases to the benches so constituted;

(3) That the puisne Judges can only do that work as is allotted to them by the Chief Justice or under his directions;

(6) That the puisne Judges cannot "pick and choose" any case pending in the High Court and assign the same to himself or themselves for disposal without appropriate orders of the Chief Justice; &

(7) That no Judge or Judges can give directions to the Registry for listing any case before him or them which runs-counter to the directions given by the Chief Justice.

6. In the case of High Court of Judicature for Rajasthan v. Ramesh Chand Paliwal (supra), it has been held:

23. Just as Chief Justice of India is the supreme authority in the matter of Supreme Court Establishment including its office staff and officers, so also the Chief Justice of the High Court is the sole authority in these matters and no other Judge or officer can legally usurp those administrative functions or power.

40. As pointed out above, under the constitutional scheme, Chief Justice is the supreme authority and the other Judges, so far as officers and servants of the High Court are concerned, have no role to play on the administrative side. Some judges, undoubtedly, will become Chief Justice in their own turn one day, but it is imperative under Constitutional discipline that they work in tranquility. Judges have been described as "hermits". They have to live and behave like "hermits" who have no desire or aspiration, having shed it through penance. Their mission is to supply light and not heat. This is necessary so that their latent desire to run the High Court administration may not sprout before time, at least, in some cases.

7. In light of the above judgments and Rules, it is crystal clear that the authority vests only with the Chief Justice to regulate the cause list. Accordingly, no orders in judicial side are warranted to be passed by any member of the Bench.

8. In light of the above, the appeal is hereby allowed and the order passed by the learned Single Judge in this regard is set aside.