

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/LETTERS PATENT APPEAL NO. 1035 of 2025
In R/SPECIAL CIVIL APPLICATION/23158/2019
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/LETTERS PATENT APPEAL NO. 1035 of 2025

=====

HIGH COURT OF GUJARAT

Versus

BABUBHAI SAMPATBHAI PATELIYA & ORS.

=====

Appearance:

Appearance:

MR SHALIN MEHTA, SENIOR ADVOCATE with MR HAMESH C NAIDU for the Appellant

VYOM H SHAH(9387) for the Respondent(s) No. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 22, 23,24,25,26,27,28,29,3,30,31,32,33,34,35,36,37,38, 39,4,40,41,42,43,44,45,46,48,5,6,7,8,9

=====

CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 25/08/2025

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)

(1) **ADMIT.** Learned advocate Mr. Shah waives service of notice of admission for and on behalf of the respondents.

(2) The present appeal emanates from the order dated 18.08.2025 passed by the learned Single Judge in the captioned writ petition. By this appeal, the Registrar, IT of this Court, in view of the aforesaid order, has called upon us, to examine the supreme authority of the Hon'ble the Chief Justice of this Court on Administrative Side; an issue, which is no more *res integra*.

- (3) By the impugned order, the learned Single Judge has made stigmatic observations on the Registry of this Court on the issue relating to the installation of the CCTV cameras in the Registry of this Institution. For the sake of the reputation of the Registry, we are not referring to the observations in detail.
- (4) It is interesting to note that while examining the captioned group of writ petitions, relating to service disputes of teachers, the learned Single Judge has referred to an order passed in Special Criminal Application No.996 of 2020, which was filed under the provision of section 482 of the Criminal Procedure Code, 1973. It appears that in the quashing petition vide order dated 08.11.2023, cognizance was taken by the learned Single Judge about the absence of CCTV cameras in certain parts of the Registry of this Court, and accordingly a direction was issued to install the same as expeditiously as possible. The status report, as directed by the learned Single Judge was also ordered to be taken on record.

- (5) After the change in roster, the said matter was placed before another learned Single Judge, who was assigned the roster of quashing, and the same was disposed of vide order dated 16.02.2024, by the learned Single Judge *apropos*, the main issue of quashing is concerned. While disposing of the said matter on 16.02.2024 by the learned Single Judge (Cheekati Manavenranath Roy, J) the following observations are made:

"11. This Court is of the considered view that for the purpose of installing the CCTV cameras as directed by this Court, the matter need not be kept pending as it is a separate issue on administrative side relating to installation of CCTV cameras as directed. Since the process has already been initiated and tenders are already invited and the report of the Registrar General shows that the work order will be issued for the said purpose after tenders are finalized, in the considered view of this Court, the matter need not be kept pending, which is relating to quash of the FIR for the said purpose."

- (6) Thus, Special Criminal Application No.996 of 2020 is kept pending for the purpose of monitoring the installation of the CCTV cameras only. However, the learned Single Judge, who is assigned the roster of service matters, while examining the group of writ petitions relating to service jurisprudence,

has passed the impugned order casting aspersions on the functioning of the Registry. It is noticed by us that timely reports are called for verifying the status of installation of the CCTV cameras.

- (7) From the impugned order, it is manifest that the work of installation of the CCTV cameras is undertaken and is presently going-on. The Special Criminal Application, in which the initial order was passed, was not listed along with the captioned writ petitions, and the cause has been pursued by amalgamating different writ petitions having distinct jurisdiction and roster. Thus, the learned Single Judge, by passing the impugned order, has travelled beyond the roster assigned by the Hon'ble the Chief Justice. We may at this stage, deal with the scope of administrative control of the Chief Justice of the High Court. The Supreme Court, in the case of High Court Of Judicature For Rajasthan vs. Ramesh Chand Paliwal & Anr., (1998) 3 S.C.C. 72 has emphasized on the power and status of the Chief Justice under Article 229 of the Constitution of India. The relevant observations are as under:

"16 When Constitution came into existence, the power and status of the Chief Justice, as available under both the Acts, namely, Government of India Acts 1915 and 1935, were maintained.

17 Chapter V of the Constitution relates to "the High Courts in the States." Under the constitutional scheme, there has to be a High Court for each State (See : Art. 214). Art. 216 provides that every High Court shall consist of a Chief Justice and such other Judges as may be appointed by the President from time to time. Art. 223 provides that when the office of Chief Justice of a High Court is vacant or any Chief Justice, by reason of absence or otherwise, is unable to perform the duties of his office, such duty shall be performed by such one or the other Judges of the Court as the President may appoint. Art. 229 provides as under:-

"229. Officers and servants and the expenses of High Courts.- (1) Appointments of officers and servants of a High Court shall be made by the Chief Justice of the Court or such other Judge or officer of the Court as he may direct:

Provided that the Governor of the State may by rule require that in such cases as may be specified in the rule no person not already attached to the Court shall be appointed to any office connected with the Court save after consultation with the State Public Service Commission.

(2) Subject to the provisions of any law made by the Legislature of the State, the conditions of service of officers and servants of a High Court shall be such as may be prescribed by rules made by the Chief Justice of the Court or by some other Judge or officer of the Court authorised by the Chief Justice to make rules for the purpose:

Provided that the rules made under this clause shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor of the State."

(3) The administrative expenses of a High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of the State, and any fees or other moneys taken by the Court shall form part of that Fund."

"18 This Article makes The Chief Justice of the High Court the supreme authority in the matter of appointments of the High Court officers and servants. This Article also confers rule-making power on the Chief Justice for regulating the conditions of service of officers and servants of the High Court subject to the condition that if the rules relate to salaries, allowances, leave or pensions, they have to have the approval of the Governor of the State. If the Legislature of the State has made any law, the rules made by the Chief Justice would operate subject to the conditions made in that law.

xxx xxx xxx

23 Just as The 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.

xxx xxx xxx

36 What is, therefore, of significance is that although in Art. 235, the word "High Court" has been used, in Art. 229, the word "Chief Justice" has been used. The Constitution, therefore, treats them as two separate entities in as much

as "control over Sub-ordinate Courts" vests in the High Court, but High Court administration vests in the Chief Justice.

xxx xxx xxx

38 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."

- (8) Thus, the Supreme Court has delivered a cautionary advice that under Article 229 of the Constitution, the Chief Justice of the High Court is the supreme authority in the matter of appointments of the High Court officers and servants, and the Chief Justice of the High Court is the sole authority in these matters and "no other Judge or officer can legally usurp the administrative functions." Thus, the delegatory powers of the Chief Justice in regulating the administration of the High Court is supreme.

The Supreme Court has accentuated that the Constitution of India vests the administrative control of the High Court, with the Chief Justice. We may reiterate the yellow words guiding the puisne Judges of High Court. The Supreme Court has observed that : *"Under the constitutional scheme, The 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."*

- (9) Thus, on an overall assessment of the issue, though, we commend the concern expressed by

the learned Single Judge relating to the issue of installation of the CCTV cameras, with due respect, we hold that the learned Single Judge in his judicial capacity lacks the authority to command the Registry in any way on the issue, which exclusively lies under the domain and control of The Hon'ble the Chief Justice, as doing so would go against the authority, control and supremacy of The Hon'ble the Chief Justice. The puisne Judges cannot encroach on the supremacy of the Chief Justice, when it comes to administrative control, regulation and functions of the Registry and its staff, unless it is specifically delegated or assigned to a Judge or Committee on Administrative Side by the Chief Justice. The administrative functions of different departments/ Registry of the High Court also significantly contribute towards maintaining the majesty, grandeur and repute of the High Court. Such standards can only be achieved by reposing full faith in the Hon'ble the Chief Justice, and any act or issue which bristles with such authority can always be sorted out on the Administrative Side.

(10) Hence, the order dated 18.08.2025 passed by the learned Single Judge in the captioned writ petition is quashed and set aside. The Hon'ble the Chief Justice is already apprised of the status of installation of CCTV cameras in the Registry of the High Court, and the same is under active implementation. The strictures passed against the Registry are directed to be deleted. We hereby stay further monitoring by the learned Single Judge on the issue of installation of the CCTV cameras in the Registry in Special Criminal Application No.996 of 2020.

(11) It is clarified that the writ petition may be listed before the Bench assigned such roster and to be heard. Letters Patent Appeal is allowed accordingly.

Sd/- .
(A.S.SUPEHIA, J)

Sd/- .
(R.T.VACHHANI, J)

Bhavesht-[PPS]*