

HIGH COURT OF JUDICATURE AT ALLAHABAD

AFR Court No. 3

Civil Misc. Writ Petition No. 67219 of 2005.

Vinai Krishna Gaur. Petitioner.

Versus

Hon'ble The Chief Justice, High Court of

Judicature at Allahabad and others..... Respondents.

Hon'ble Amitava Lala, J.

Hon'ble V.C. Misra, J.

Pursuant to the earlier direction the learned Counsel appearing for the respondents contended before this Court that the affidavit has already been filed in the department. He tendered apology for the inconvenience caused to the Court. In effect, the Registrar General and the Registrar (Establishment) are the responsible persons in the Registry, who were personally present yesterday i.e. on 23rd August, 2006 and are also present today to accommodate the Court. We accept the submissions as made by the learned Counsel appearing on behalf of the Registry and personal presence of the respondents i.e. Registrar General and Sri Diwakar Mishra, Registrar (Establishment) of this High Court is dispensed with. In pursuance of the earlier direction the presence of the respondents before this Court is no more required, as it is being rightly meant for presence of the persons and whose presence is dispensed with today. Subsequent order in respect of personal presence of the concerned respondents will prevail in suppression of the earlier order/s.

The matter will appear on 31st August, 2006.

Rejoinder, if any, will be filed in the meantime.

However, upon visualising the situation that the Chief Justice of the High Court is made party respondent along with Registrar General and Registrar (Establishment), we are of the view that certain amount of clarifications are required for the purpose of disposal of the writ matters, in which the High Court is party now and in the future. The Chief Justice of the High Court is at the helm of affairs as such he is the final approving authority of any matter including the service matters. Save and except in the rarest of the rare cases, neither the President of India nor the Governors of the States nor the Prime Minister nor the Chief Ministers of the States can be made parties to the litigations. Similarly neither the Chief Justice of India nor the Chief Justice of the States can be made parties to the litigations. They can contest litigation/s in the name of the executives. Registrar General and other Registrars inclusive of Joint Registrars and Deputy Registrars and subordinates are the executives of the Court. Sanctity does not permit one to contest a case in the name of Hon'ble Chief Justice with companion Judges parallelly making him party irrespective of the factum that making application in his name is judicial decorum when making him party is necessity. Such necessity is not fatal. However, unless Bar protects interest of the institution, the Bench alone can not do so.

Therefore, members of the Bar may proceed with the litigation accordingly.

Registry is directed to take follow up action.

Dt./- 24.08.2006.

SKT/-67219-05.