

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 21ST DAY OF JUNE 2022 / 31ST JYAISHTA, 1944

WP(C) NO. 20159 OF 2022

PETITIONER:

ABDUL JALEEL,
AGED 45 YEARS
S/O MAMMEDKOYA, AGED 39 YEARS, THIRUVOTH HOUSE, IRINGALLOOR P.O,
KOZHIKODE - 637014
BY ABDUL JALEEL, (Party-In-Person)

RESPONDENTS:

- 1 CABINET PRINCIPAL SECRETARY
CABINET SECRETARIAT, RASHTRAPATI BHAWAN,
NEW DELHI - 110004.
- 2 LAW SECRETARY,
ROOM NO.207, A-WING, SHASTRI BHAWAN,
DR RAJENDRA PRASAD ROAD, NEW DELHI - 110001.
- 3 THE REGISTRAR GENERAL,
SUPREME COURT OF INDIA, THILAK MARK, NEW DELHI - 110001.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21.06.2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 21st day of June, 2022

S.MANIKUMAR, CJ

Petitioner – party-in-person, has filed the instant writ petition for the following reliefs:

- i) To establish a two-judge bench of the Supreme Court in all the High Courts of the country to hear only the cases of the poor and the destitute. In order to fulfill my this request, direct the Supreme Court registrar General to take steps to place this Petition before the Hon'ble Supreme Court Chief Justice.
- ii) Direct the Central Government to take steps to enhance the retirement age of the judges of the Supreme Court, High Courts and all the judicial officers of the country to 75 years.
- iii) Direct the Central Government to take steps to ensure that judicial officers in the country shall not accept any post in the government after retirement.

2. Short facts leading to the filing of the writ petition are as hereunder:

3. According to the petitioner, the Government should make the retirement age of judicial officers at 75 years, if necessary by amending the Constitution; an order should be passed to the effect that judicial officers shall not accept any post under the government or otherwise after their retirement from the service and also an order may be passed by this Court to that effect; besides, that order

should be in force till a statutory provision is made in this regard; a Division Bench of the Supreme Court should be established in all the High Courts in the country for the poor people.

4. It is submitted by the petitioner that the implementation of these 3 prayers stated above is necessary for crores of people in this country equally including him, and his *locus standi* to file this petition itself is on the basis of the 3 prayers in this petition and he is a victim of non-implementation the above in the country. It is also submitted by the petitioner that those Judges, who were hand in glove with the criminals in his own cases, got post retirement postings and there were Judges, who were not directly hands in glove with the criminals in my case, but they also indulged in nepotism and stood by the malice powers.

5. It is further submitted by the petitioner that if it is ensured that the Government cannot influence the judiciary, it will boost up the faith of the people in the judiciary. According to him, by eliminating the chances of influencing the Judges, the judiciary will become completely independent and the people will have full faith in judiciary and also it will strengthen our judiciary and consequently, the democratic and secular nature of our country would also be strengthened. Besides, by enhancing the retirement age of Judges, substantial amount of public money can also be saved and the well being of the nation as whole can be increased. It is contended by the petitioner that the Government is not taking such steps. Hence, the instant writ petition is filed by the petitioner seeking the aforesaid reliefs.

6. Though the petitioner – party-in-person has alleged that some of the judges were hand in glove with the criminals and obtained post retirement postings, which allegations are very serious, having regard to the reliefs sought for, we are not inclined to advert to the same and no direction in the nature of mandamus as prayed for, can be granted.

Hence, the writ petition is dismissed.

Sd/-

S .MANIKUMAR

CHIEF JUSTICE

Sd/-

SHAJI P .CHALY

JUDGE

APPENDIX OF WP(C) 20159/2022

PETITIONER EXHIBITS

- Exhibit P1 COPY OF THE 230TH LAW COMMISSION REPORT DATED 05-06-2009.
- Exhibit P2 COPY OF A ARTICLE IN THE SUBJECTS OF JUDGE-POPULATION RATIO AND THE RETIREMENT AGE OF JUDGES, DATED 31-07-18.
- Exhibit P3 COPY OF THE TABLE OF JUDICIAL RETIREMENT AGES OF UNITED STATES OF AMERICA, DATED
- Exhibit P4 COPY OF THE 229TH LAW COMMISSION REPORT RECEIVED FROM THE INTERNET, DATED 05-06-09.
- Exhibit P5 COPY OF THE OVERALL SCORES TABLE OF REPORTS OF THE GLOBAL RULE OF LAW RECEIVED FROM THE INTERNET, 2014.
- Exhibit P6 COPY OF THE OVERALL SCORES TABLE OF REPORTS OF THE GLOBAL RULE OF LAW RECEIVED FROM THE INTERNET, 2019.
- Exhibit P7 COPY OF THE OVERALL SCORES TABLE OF REPORTS OF THE GLOBAL RULE OF LAW RECEIVED FROM THE INTERNET, 2021.
- Exhibit P8 COPY OF THE ARTICLE RECIEVED FROM THE INTERNET OF ANALYSIS OF STUDY REPORTS OF THE GRANTING GOVERNEMENT JUDGES TO THE JUDGES AFTER RETIREMENT, 2021.
- Exhibit P9 COPY OF THE ARTICLE RECIEVED FROM THE INTERNET IN THE SUBJECT OF GRANTING GOVERNMENT JOBS TO THE JUDGES AFTER RETIREMENT DATED 14.01.19.