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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1265/2019

MEENAKSHI CHAUDHARY AND ORS Petitioners

Through: Ms. Amita Singh Kalkal, Ms. Aditi
Gupta and Mr. Devrat Pradhan,
Advocates

versus

DELHI HIGH COURT THR REGISTRAR GENERAL AND ORS

..... Respondents

Through: Mr. Gautam Narayan, Advocate for
R-1
Mr. C. Mohan Rao, Sr. Adv. with
Mr. Lokesh Kr. Sharma, Advocate for
R-3 to 9, 11 to 27 and 29 to 51
Mr. Prasanna S., Advocate with
Ms. Swati Arya and Mr. Yuvraj Singh
Rathore, Advocates for R-3 and 13

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.08.2023

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1. Present writ petition has been filed by some of the serving Delhi High Court employees challenging the appointment of the respondents no.3 to 52 as Junior Judicial Assistants to this Court. Petitioner also challenges orders dated 16th October, 2018, 17th November, 2018, 29th November, 2018 and 5th December, 2018 issued by the Respondent No.1.

2. Learned counsel for the Petitioners states that in 2012, the Respondents were appointed as "Data Entry Operators" on contractual basis

for a period of one year only, on a monthly consolidated salary and that too, on the condition that the selected candidates will not have a right to claim regularization as 'Data Entry Operators'. She however states that they were then appointed/regularized in the post of 'Junior Judicial Assistants (Data Entry) Ex-Cadre' in violation of the Recruitment Rules (page 86 of paper book) of the said post vide the impugned orders dated 16th October, 2018 and 17th November, 2018. She states that the regularisation of the respondents as Junior Judicial Assistants (Data Entry) Ex-Cadre by the respondent No. 1 is not in accordance with law and is contrary to the decision of the Supreme Court in the matter of ***Renu & Ors. Vs. District & Sessions Judge, Tis Hazari, (2014)14 SCC 50.***

3. She further states that the respondents during their contractual service had submitted representations for regularization of their services on various occasions, which were rejected by the Selection Committee of this Court vide Minutes of Meetings held on 13th August, 2014, 17th November, 2014 and 19th December, 2016 on the ground that such regularisation would be in violation of the decision of the Supreme Court in ***Renu v. District & Sessions Judge, Tis Hazari*** (supra). She submits that these decisions of the Selection Committee have attained finality as they were approved by the then Hon'ble Chief Justices of this Court.

4. She states that the IT Committee of this Court in its meeting held on 7th March, 2018 upon consideration of a fresh representation of the respondents no.3 to 52 dated 20th February, 2018 recommended the regularization of the Data Entry Operators as Junior Judicial Assistants. She submits that the subject matters of recruitment and regularization of employees of this Court is under the ambit of the Selection Committee and

not of the IT Committee. She also states that the IT Committee recommended the regularization of the Data Entry Operators as Junior Judicial Assistants without taking into account the previous decisions of the Selection Committee.

5. *Per Contra*, learned counsel for Respondent No. 1 submits that the present writ petition is not maintainable. He states that the present petition is in the nature of a Public Interest Litigation and is liable to be dismissed as it is not filed in the prescribed format. He further states that the Petitioners are in no manner affected either in terms of promotional avenues or seniority, by the regularization granted to the Data Entry Operators in an ex-cadre post without any promotional benefit.

6. He states that all the persons whose services have been regularized were working in the establishment of this Court for nearly eight years and their services were regularized by exercise of power under Rule 12 of the Delhi High Court Establishment (Appointment and Condition of Service) Rules, 1972, by relaxation, as a one-time measure, in view of administrative exigencies and in the interest of smooth functioning of this Court, particularly in view of the need for e-courts. He states that the data entry operators were regularized in a newly created ex-cadre post of Junior Judicial Assistant (Data Entry) for which no Recruitment Rules have been prescribed. He further states that the recommendation of the IT Committee of this Court to regularize the services of the Data Entry Operators on the vacant posts of Junior Judicial Assistant was duly placed before Hon'ble the Acting Chief Justice for consideration and the same were approved on 3rd August, 2018.

7. Having heard the learned counsel for the parties, this Court is of the opinion that the present writ petition raises serious constitutional and administrative issues.
8. This Court requests the learned Attorney General of India to assist this Court. Accordingly, Registry is directed to forward a copy of the paper book to the learned Attorney General of India with a request to assist this Court as an *amicus curiae* on the next date of hearing.
9. The original file pertaining to all the Minutes of the Selection Committee shall also be placed on record. The respondents are also given liberty to file an additional affidavit within two weeks.
10. Heard in part. List on 21st September, 2023.

MANMOHAN, J

MINI PUSHKARNA, J

AUGUST 22, 2023
AS/TS