

Chief Justice's Court

Case :- P.I.L. Civil No. - 3343 of 2021

Petitioner :- Ashok Pandey (Petitioner-In-Person)

Respondent :- Allahabad High Court, Prayagraj Thru Registrar General & Another

Counsel for Petitioner :- Ashok Pande

Counsel for Respondent :- Gaurav Mehrotra, A.S.G.

Hon'ble Govind Mathur, Chief Justice

Hon'ble Mrs. Saroj Yadav,J.

(Per : Govind Mathur, C.J.)

This petition for writ said to be filed in public interest is preferred to have an appropriate writ, order or direction for not giving effect to provisions contained in Chapter V Rule 9 of the Allahabad High Court Rules, 1952 prescribing appointment of Senior Judges at Allahabad and Lucknow to exercise jurisdiction at their respective places in connection with arrangement of Benches, listing of cases and like other matters and further to amend the Rules in conformity with the law laid down by Supreme Court in the case of **Ashok Pande Versus Supreme Court of India (Writ Petition (Civil) No. 147 of 2018)**.

The argument advanced by the petitioner is that in our constitutional scheme and also in light of the law pronounced by Supreme Court in several cases, Chief Justice of a High Court is Master of Roster and no other Judge may be allowed to interfere in dispensation of this privileged function.

We do not find any merit in the petition for writ which on its face appears to be fundamentally misconceived.

Suffice to state that no challenge is given to the Rule aforesaid and nothing has been said as to how the Rule is bad. The object of the Rule is to make the High Court functional by delegating certain authorities of the Chief Justice to Senior Judge in his absence. It would also be

appropriate to state that the High Court under Article 226 of the Constitution of India is not supposed to legislate the Rules and is also not supposed to direct the Law Framing Authority to legislate or amend the law being a function assigned to Legislature/Law Framing Authority.

No interference at all is warranted.

The writ petition, hence, is dismissed.

Order Date :- 12.04.2021

Shubham

(Saroj Yadav, J.)

(Govind Mathur, C.J.)