



# RAJASTHAN HIGH COURT

## NEWSLETTER

Vol.-3 Part No. I & II

January-June 2012



**Rajasthan High Court, Principal Seat, Jodhpur**

**Editorial Board**

**Hon'ble Mr. Justice Narendra Kumar Jain-I**  
**Hon'ble Dr. Justice Vineet Kothari**

**Compiled by**

**Mr. B.N. Bhatt, Registrar General, Rajasthan High Court**

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## FROM THE DESK OF EDITORS

Volume 3, Part I & II covering January to June, 2012, of Newsletter of Rajasthan High Court is now being published.

At the beginning of the first quarter on 21/1/2012, Hon'ble Mr. Justice Altamas Kabir, Judge Supreme Court of India inaugurated All India Judicial Officers Conference at Birla Auditorium, Jaipur on 21<sup>st</sup> January, 2012 on “Indian Judiciary – Vision 2022”. The visit of Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice, Hague and former Judge of Supreme Court of India to Jodhpur on 24<sup>th</sup> May, 2012 and his discourse on “Excellence through Unattached Action” organized by Rajasthan State Judicial Academy in the presence of Hon'ble Chief Justice Shri Arun Mishra and Hon'ble Chief Justice P.C. Tatia of Jharkhand High Court and visit of Justice Bhandari to Jaipur on 26<sup>th</sup> May, 2012 to inaugurate ADR Centre at Jaipur were the important events during this period.

The academic activities by participation of Judges of this Court at National Judicial Academy, Bhopal and retirement of three Judges from this Court namely; Hon'ble Justice C.M. Totla, Hon'ble Justice Kailash Chandra Joshi and Hon'ble Justice Mahesh Chandra Bhagwati while addition of Hon'ble Ms. Justice Nirmaljit Kaur upon transfer from Punjab & Haryana High Court have been other significant developments.

Appointment process in the cadre of District Judges upon holding of exams in May, 2012 is likely to strengthen the subordinate judiciary's working.

Usual features of activities of State Judicial Academy and Legal Service Authority are also given while e-Courts Mission Mode Project & its implementation status in State of Rajasthan are highlighted in the activities of the Court. Gist of important judgments at the end of Newsletter would definitely interest the concerned readers of this Newsletter.

Seasons Greetings !

**DR. VINEET KOTHARI, J.**

**NARENDRA KUMAR JAIN-I, J.**

## Hon'ble Judges of Rajasthan High Court (As on 30/06/2012)

<i>Sr. No.</i>	<i>Name of Hon'ble Judge</i>
1	Hon'ble The Chief Justice Mr. Arun Kumar Mishra
2	Hon'ble Mr. Justice Dalip Singh
3	Hon'ble Mr. Justice Narendra Kumar Jain-I
4	Hon'ble Mr. Justice Dinesh Maheshwari
5	Hon'ble Mr. Justice Ajay Rastogi
6	Hon'ble Mr. Justice Govind Mathur
7	Hon'ble Mr. Justice Prem Shanker Asopa
8	Hon'ble Mr. Justice Gopal Krishan Vyas
9	Hon'ble Mr. Justice Raghvendra Singh Chauahan
10	Hon'ble Dr. Justice Vineet Kothari
11	Hon'ble Mr. Justice Mohammad Rafiq
12	Hon'ble Mr. Justice Raghuwendra Singh Rathore
13	Hon'ble Mr. Justice Mahesh Chandra Sharma
14	Hon'ble Mr. Justice Sangeet Raj Lodha
15	Hon'ble Mr. Justice Munishwar Nath Bhandari
16	Hon'ble Dr. Justice Mrs.Meena V. Gomber
17	Hon'ble Mr. Justice Sajjan Singh Kothari
18	Hon'ble Miss Justice Bela M. Trivedi
19	Hon'ble Mrs. Justice Nisha Gupta
20	Hon'ble Mr. Justice Narendra Kumar Jain-II
21	Hon'ble Mr. Justice Prashant Kumar Agarwal
22	Hon'ble Mr. Justice Alok Sharma
23	Hon'ble Mr. Justice Sandeep Mehta

## Hon'ble Judges of Supreme Court of India (As on 30/06/2012)

<i>Sr. No.</i>	<i>Name of Hon'ble Judge</i>
1	Hon'ble The Chief Justice of India Mr. S. H. Kapadia
2	Hon'ble Mr. Justice Altamas Kabir
3	Hon'ble Mr. Justice Devinder Kumar Jain
4	Hon'ble Mr. Justice P. Sathasivam
5	Hon'ble Mr. Justice Ganpat Singh Singhvi
6	Hon'ble Mr. Justice Aftab Alam
7	Hon'ble Mr. Justice Rajendra Mal Lodha
8	Hon'ble Mr. Justice H. L. Dattu
9	Hon'ble Mr. Justice Deepak Verma
10	Hon'ble Dr. Justice Balbir Singh Chauhan
11	Hon'ble Mr. Justice A. K. Patnaik
12	Hon'ble Mr. Justice T. S. Thakur
13	Hon'ble Mr. Justice K. S. Panicker Radhakrishnan
14	Hon'ble Mr. Justice S.S. Nijjar
15	Hon'ble Mr. Justice Swatanter Kumar
16	Hon'ble Mr. Justice Chandramauli Kumar Prasad
17	Hon'ble Mr. Justice H. L. Gokhale
18	Hon'ble Mrs. Justice Gyan Sudha Misra
19	Hon'ble Mr. Justice Anil R. Dave
20	Hon'ble Mr. Justice Sudhansu Jyoti Mukhopadhaya
21	Hon'ble Mrs. Justice Ranjana Prakash Desai
22	Hon'ble Mr. Justice Jagdish Singh Khehar
23	Hon'ble Mr. Justice Dipak Misra
24	Hon'ble Mr. Justice Jasti Chelameswar
25	Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla
26	Hon'ble Mr. Justice Ranjan Gogoi
27	Hon'ble Mr. Justice Madan B. Lokur



## Transfer From Rajasthan High Court (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>To</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Transfer</i>
1	High Court of Chhattisgarh	Hon'ble Mr. Justice Abhay Manohar Sapre (Parent High Court-Madhya Pradesh)	23/04/2012

## Transfer To Rajasthan High Court (From 01/01/2012 to 30/06/2012)

**NOTE :** Vide Government of India's Notification No. K. 13029/07/2010-US.II dated 29/06/2012, Hon'ble Kumari Justice Nirmaljit Kaur, a Judge of the Punjab & Haryana High Court, has been transferred as Judge of the Rajasthan High Court.

## Sanctioned Strength & Vacancies in Rajasthan High Court (As on 30/06/2012)

<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
40	23	17

## Sanctioned Strength & Vacancies in District & Subordinate Courts (As on 30/06/2012)

<i>Cadre</i>	<i>Sanctioned Strength</i>	<i>Working Strength</i>	<i>Vacancies</i>
District Judge Cadre	255 (Including 23 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	191 (including officers who were continued as ADJ after abolition of 40 FT Courts)	64
Fast Track Judge Cadre	43	42	1
Senior Civil Judge Cadre	229 (Including 21 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	222 (including officiating)	7
Civil Judge Cadre	395 (Including 36 posts of Leave Reserve Training, Deputation & holding Temporary post @ 10% of total cadre strength)	283	112

**NOTE :**

- (1) Exams were held on 5<sup>th</sup> & 6<sup>th</sup> May, 2012 to fill up the vacancies in the Cadre of District Judge for 39 posts by way of direct recruitment amongst the advocates and 22 posts by limited competitive exams and the posts are likely to be filled up shortly.
- (2) Process of filling up 33 posts in the Cadre of District Judge by way of promotion is also in progress. Efforts are being made to fill up the vacancies at the earliest.
- (3) Process of filling up the vacancies of Civil Judge (Jr. Division) Cadre through Rajasthan Public Service Commission, Ajmer has already been started and result of Preliminary Exam has been declared.

## Elevation & Retirement In Rajasthan High Court (From 01/01/2012 to 30/06/2012)

### Retirement

<i>Sr. No.</i>	<i>Name of Hon'ble Judge</i>	<i>Date of Retirement</i>
1	Hon'ble Mr. Justice C. M. Totla	28/04/2012
2	Hon'ble Mr. Justice Kailash Chandra Joshi	15/05/2012
3	Hon'ble Mr. Justice Mahesh Bhagwati	10/06/2012

## Disposal of Cases in Rajasthan High Court (From 2001 to 2011)

<i>S. No.</i>	<i>Year</i>	<i>No. of Judges doing court work</i>	<i>Number of cases disposed off</i>		<i>Average disposal per Judge</i>		
			<i>Main Cases</i>	<i>Misc. Cases</i>	<i>Main Cases</i>	<i>Misc. Cases</i>	<i>Total</i>
1	2001	25	37814	23560	1513	942	2455
2	2002	26	39073	21518	1503	828	2330
3	2003	23	42297	22130	1839	962	2801
4	2004	24	35511	18517	1480	772	2251
5	2005	30	44675	21654	1489	722	2211
6	2006	31	47656	20804	1537	671	2208
7	2007	34	50779	15104	1494	444	1938
8	2008	33	61200	20700	1855	627	2482
9	2009	30	53806	17918	1794	597	2391
10	2010	24	52060	19112	2169	796	2966
11	<b>2011</b>	26	<b>96555</b>	<b>69569</b>	<b>3714</b>	<b>2676</b>	<b>6389</b>

## Institution, Disposal And Pendency of Cases in Rajasthan High Court (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>Kind of Cases</i>	<i>Opening Balance as on 01/01/2012</i>	<i>Institution from 01/01/2012 to 0/06/2012</i>	<i>Disposal from 01/01/2012 to 30/06/2012</i>	<i>Pendency at the end of 30/06/2012</i>
1	Writ	110800	28980	25805	113975
2	Civil	99664	14112	11008	102768
3	Criminal	59408	22294	24688	57014
4	Tax Matters	3007	343	180	3170
5	Others	8427	1788	1866	8349
<b>Total</b>		<b>281306</b>	<b>67517</b>	<b>63547</b>	<b>285276</b>

## Institution, Disposal And Pendency of Cases in District & Subordinate Courts (From 01/01/2012 to 30/06/2012)

Sr. No.	Disrtict	Opening Balance as on 01/01/2012		Institution from 01/01/2012 to 30/06/2012		Disposal from 01/01/2012 to 06/06/2012		Pendency at the end of 30/06/2012	
		Civil	CrI.	Civil	CrI.	Civil	CrI.	Civil	CrI.
1	Ajmer	23460	38719	4719	20336	5646	21445	22533	37610
2	Alwar	29972	45332	6621	14035	5478	13577	31115	45790
3	Balotra	5866	14732	1082	5416	725	4853	6223	15295
4	Baran	4140	18463	990	6059	1159	7872	3971	16650
5	Banswara	2478	11236	742	5138	592	5422	2628	10952
6	Bharatpur	14570	34090	2994	11928	2742	12106	14822	33912
7	Bhilwara	14710	34594	4755	13941	4217	13585	15248	34950
8	Bikaner	15742	30330	4365	12289	3195	12064	16912	30555
9	Bundi	6727	15053	2154	7907	1728	8517	7153	14443
10	Chittorgarh	9734	29166	2223	9788	1806	9993	10151	28961
11	Churu	5018	10540	2968	5016	1344	5365	6642	10191
12	Dausa	7140	20913	1856	6873	1812	7587	7184	20199
13	Dholpur	3915	16719	910	5871	626	6016	4199	16574
14	Dungarpur	2228	9121	637	3620	583	3802	2282	8939
15	Ganganagar	13110	37906	2891	10497	2806	11217	13195	37186
16	Hanumangarh	9653	21833	2817	7734	2562	7697	9908	21870
17	Jaipur Metropolitan	79002	259980	20041	120800	21735	129594	77308	251186
18	Jaipur Distt.	18019	38374	2624	9836	2312	10457	18331	37753
19	Jalore	3830	11734	684	6261	626	6285	3888	11710
20	Jaisalmer	1564	2707	208	1831	97	1857	1675	2681
21	Jhalawar	4484	23670	1138	8895	1111	9531	4511	23034
22	Jhunjhunu	9287	25953	2015	7081	1554	7269	9748	25765
23	Jodhpur Metropolitan	17110	45700	4746	34072	4167	34833	17689	44939
24	Jodhpur Distt.	3771	12102	1175	4144	967	4117	3979	12129
25	Karauli	4761	13479	823	3427	823	3247	4761	13659
26	Kota	19216	54985	4003	20461	3362	20330	19857	55116
27	Merta	8424	15379	1809	9760	1506	9731	8727	15408
28	Pali	9305	25770	2465	16244	2438	16469	9332	25545
29	Pratapgarh	1947	11246	476	3465	315	4157	2108	10554
30	Rajsamand	4687	9334	1375	5704	1135	6012	4927	9026
31	Sawai Madhopur	7380	12809	1713	4636	1635	5224	7458	12221
32	Sikar	14319	24746	2703	7558	1975	7690	15047	24614
33	Sirohi	3624	10908	855	5647	642	6045	3837	10510
34	Tonk	7196	19842	1564	5404	1451	5582	7309	19664
35	Udaipur	13723	43791	3455	16647	3173	17869	14005	42569
<b>Total</b>		<b>400112</b>	<b>1051256</b>	<b>96596</b>	<b>438321</b>	<b>88045</b>	<b>457417</b>	<b>408663</b>	<b>1032160</b>



## Major Events (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>Event</i>
1	21/01/2012	<b>All India Judicial Officers Conference</b> was held at Birla Auditorium, Jaipur on " <b>Indian Judiciary - Vision 2022</b> ". The conference was inaugurated by Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India in the presence of Hon'ble Mr. Justice Arun Mishra, Chief Justice, Rajasthan High Court, Hon'ble Mr. Justice Prakash Chand Tatia, Chief Justice, Jharkhand High Court and Hon'ble Mr. Ashok Gehlot, Chief Minister of Rajasthan. The conference was attended by sitting and former Judges of Rajasthan High Court and Judicial Officers from all over the country.
2	21/01/2012	A <b>State Level Seminar</b> was organized by Rajasthan State Legal Services Authority in association with All India Judges Association on " <b>New Dimensions to the Role of Legal Services in Achieving Access to Justice</b> " at Birla Auditorium, Jaipur. Aforesaid programme was presided over as a Chief Guest by Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA in the presence of Hon'ble Mr. Justice Arun Mishra, Chief Justice, Rajasthan High Court and Hon'ble Mr. Justice Prakash Chand Tatia, Chief Justice, Jharkhand High Court.
3	26/01/2012	Celebration of Republic Day in Rajasthan High Court at Principal Seat, Jodhpur and Bench at Jaipur.
4	20/04/2012	Reference Ceremony on the eve of <b>Transfer of Hon'ble Mr. Justice Abhay Manohar Sapre</b> , Judge, Rajasthan High Court, Jodhpur was held at Jodhpur.
5	27/04/2012	Reference Ceremony on the eve of <b>Retirement of Hon'ble Mr. Justice Chand Mal Totla</b> , Judge, Rajasthan High Court, Jodhpur was held at Jodhpur.
6	05/05/2012	Examination for <b>Recruitment to the posts of District Judge Cadre, 2011</b> was held on 05/05/2012 and 06/05/2012 at Jodhpur and Jaipur.
7	14/05/2012	Reference Ceremony on the eve of <b>Retirement of Hon'ble Mr. Justice Kailash Chandra Joshi</b> , Judge, Rajasthan High Court, Jodhpur was held at Jodhpur.
8	24/05/2012	<b>Hon'ble Mr. Justice Dalveer Bhandari</b> , Judge, International Court of Justice attended a <b><u>Discourse on " Excellence Through Unattached Action"</u></b> organized by Rajasthan State Judicial Academy, Jodhpur. On the occasion Hon'ble Mr. Justice Arun Mishra, The Chief Justice, Rajasthan High Court, Jodhpur, Hon'ble Mr. Justice P.C.Tatia, The Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice Dinesh Maheshwari, the Chairman of RSJA and other dignitaries adorning the Dias, addressed the participants (Sitting & Former Judges of Rajasthan High Court, Advocates, Judicial Officers of District Judge Rank, Chief Judicial Magistrates, Judicial Officers posted at Jodhpur Metro and Jodhpur District and invitees of various departments) appreciating "the concept of unattached action by which Excellence can be achieved".
9	26/05/2012	Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice <b>inaugurated ADR Centre, Jaipur</b> and presided over a <b>seminar organized</b> by DLSA, Jaipur Metropolitan & District.

<i>Sr. No.</i>	<i>Date</i>	<i>Event</i>
10	26/05/2012	<p><b>Hon'ble Mr. Justice Dalveer Bhandari</b>, Judge, International Court of Justice <b>inaugurated first Judicial Service Centre in Rajasthan at Jaipur District Judgeship</b> in the presence of Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court, Hon'ble Mr. Ashok Gehlot, Chief Minister of Rajasthan and Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court &amp; Judge Incharge, eCourts Project.</p> <p><b>Judicial Service Centres</b> in Rajasthan have also been started in Udaipur, Rajsamand, Sri Ganganagar, Pali and Bundi. All these Judicial Service Centres have started imparting services to advocates and litigants. In remaining districts also, the work of starting of Judicial Service Centres is in progress.</p>
11	31/05/2012	Reference Ceremony on the <b>Retirement of Hon'ble Mr. Justice Mahesh Bhagwati</b> , Judge, Rajasthan High Court, Jaipur Bench was held at Jaipur.

### Important Visits and Conferences/Seminars attended by the Hon'ble Judges of Rajasthan High Court (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>Visit/Conferences/Seminars attended by Hon'ble Judges</i>
1	21 <sup>st</sup> to 22 <sup>nd</sup> January, 2012	Hon'ble Mr. Justice G. K. Vyas attended a National Conference of High Court Justices on " <b>Human Rights and Civil Liberties</b> " held at National Judicial Academy, Bhopal.
2	18 <sup>th</sup> to 19 <sup>th</sup> February, 2012	Hon'ble Mr. Justice Sandeep Mehta attended a National Conference of High Court Justices on " <b>Contribution of High Courts and the Supreme Court to the Development of Law in 2011</b> " held at National Judicial Academy, Bhopal.
3	16 <sup>th</sup> to 18 <sup>th</sup> March, 2012	Hon'ble Ms. Justice Bela M. Trivedi and Hon'ble Mr. Justice Narendra Kumar Jain-II attended a National Conference of newly elevated High Court Judges held at National Judicial Academy, Bhopal.
4	24 <sup>th</sup> March, 2012	Hon'ble Mr. Justice Dinesh Maheshwari attended a meeting for the development of NJA's Annual Calendar Year, 2012-13.
5	14 <sup>th</sup> April, 2012	Hon'ble Mr. Justice Dinesh Maheshwari and Hon'ble Mr. Justice Ajay Rastogi attended a Regional Conference on <b>Mediation</b> at Mumbai.
6	14 <sup>th</sup> to 15 <sup>th</sup> April, 2012	Hon'ble Mr. Justice Narendra Kumar Jain-I and Hon'ble Mr. Justice Munishwar Nath Bhandari attended a National Conference of High Court Justices on <b>Enhancing Quality, Efficiency and Timeliness of Adjudication : Sharing of Experiences</b> held at National Judicial Academy, Bhopal.

## Important Visits and Conferences/Seminars attended by the Hon'ble Judges of Supreme Court of India (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>Date</i>	<i>Visit/Conferences/Seminars attended by Hon'ble Judges</i>
1	21/01/2012	<p>A State Level Seminar was organized by Rajasthan State Legal Services Authority in association with All India Judges Association on <b>New Dimensions to the Role of Legal Services in Achieving Access to Justice</b> at Birla Auditorium, Jaipur.</p> <p>Aforesaid programme was presided over as a Chief Guest by <b>Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India</b> and Executive Chairman, NALSA. The programme was also graced by Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court, Hon'ble Shri Ashok Gehlot, Chief Minister of Rajasthan, Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court &amp; Chairman, RHCLSC, Jaipur, Hon'ble Mr. Justice Dinesh Maheshawari, Judge, Rajasthan High Court &amp; Judge Incharge, Mediation, Rajasthan High Court, Jodhpur, Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court and Judge Incharge, Mediation, Rajasthan High Court, Jaipur and other Hon'ble Judges of the Rajasthan High Court and other dignitaries.</p>
2	26/05/2012	<p><b>Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice</b> inaugurated ADR Centre, Jaipur and presided over a seminar organized by DLSA, Jaipur Metropolitan &amp; District. The programme was graced by Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court, Hon'ble Shri Ashok Gehlot, Chief Minister of Rajasthan, Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court and Executive Chairman, RSLSA, Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court &amp; Chairman, RHCLSC, Jaipur, Hon'ble Mr. Justice Dinesh Maheshawari, Judge, Rajasthan High Court &amp; Judge Incharge, Mediation, Rajasthan High Court, Jodhpur, Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court and Judge Incharge, Mediation, Rajasthan High Court, Jaipur and other Hon'ble Judges of the Rajasthan High Court, Judicial Officers and other dignitaries.</p>

## Standing Orders (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>S. O. No.</i>	<i>Date</i>	<i>Particulars</i>
1	1	18/01/2012	All the officials deployed in Judicial Sections to strictly and punctually adhere to the procedure prescribed in Chapter XXIIA of the Rules of the High Court Judicature of Rajasthan, whenever, they are dealing with any Public Interest Litigation Petition.
2	3	11/06/2012	Regarding re-allocation of judgeships for inspection by the Hon'ble Judges.

## Misc. Orders

### (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>Order No.</i>	<i>Date</i>	<i>Particulars</i>
1	1	03/03/2012	<p>In partial modification of the Order No. 02/Misc/2008 dated 04/04/2008 and consequent upon the recommendations of Hon'ble the Committee (constituted to re-look the criteria laid down vide order referred above) in the matter of <b>appointment of Oath Commissioners for Rajasthan High Court</b>, Jodhpur and Bench at Jaipur for the calendar year 2012 and onwards, <b>Hon'ble the Chief Justice has been pleased to delete</b> sub clause (a) of clause 2 whereby <b>maximum ceiling limit for appointment as Oath Commissioner was limited to ten years.</b></p> <p>Consequent upon deletion of sub clause (a) of clause 2, the sub clause (b) &amp; (c) of clause 2 of order dated 04/04/2008 are re-numbered as sub clause (a) &amp; (b) respectively of clause 2.</p>
2	2	06/03/2012	<p>In continuation to this Office Misc. Order No. Misc/08/2011 dated 26/12/2011, following advocates are hereby appointed as Oath Commissioner for the Calendar Year 2012 :</p> <ol style="list-style-type: none"> <li>1. Sh. Kanhaiya Lal Bohra - Rajasthan High Court, Jodhpur</li> <li>2. Sh. Suresh Prasad Saxena - Rajasthan High Court Bench, Jaipur</li> </ol>
3	3	24/04/2012	<p>It is directed that no judicial officer shall be granted leave during the period 01.06.2012 to 30.06.2012, except on gazetted holidays, Sundays &amp; Second Saturday, all the courts shall remain open and work.</p> <p>In the above said period the concerning District and Sessions Judges shall transfer to such courts under their jurisdiction which are undertaking/ handling civil cases appropriate criminal cases (Appeal, Revision and such matters which are at final stage of hearing and can be decided in the above said period) for hearing and disposing of.</p> <p>All the District &amp; Sessions Judges shall furnish the information by 11/07/2012 regarding the number of cases transferred in the above said period and in that period the number of cases disposed of apart from the transferred cases.</p>
4	4	23/05/2012	<p>Notification regarding nomination of Hon'ble Judges as Vacation Judge for Summer Vacation for the period 01/06/2012 to 30/06/2012.</p>
5	5	05/06/2012	<p>In continuation of this office Notification No. 04/Misc./2012 dt. 23/05/2012, it is further notified that during Summer Vacation from Friday the 1<sup>st</sup> June, 2012 to Saturday the 30<sup>th</sup> June, 2012 (both days inclusive), in urgent cases where interim relief is prayed of Division Bench, the Registry shall seek appropriate order from Hon'ble the Chief Justice for listing of the same before the Division Bench comprising of senior most available Judge on that day at respective place at Jodhpur and Jaipur to sit alongwith vacation Judge.</p>

**EV's**  
**(From 01/01/2012 to 30/06/2012)**

<b>Sr. No.</b>	<b>E.V. No.</b>	<b>Date</b>	<b>Particulars</b>
1	1	11/01/2012	In view of the All India Judges' Conference on 21 <sup>st</sup> & 22 <sup>nd</sup> January, 2012, in partial modification of this office Notification No. 10/E.V./2011 dated 25/11/2011, Saturday dated 21/01/2012 is declared holiday in the Subordinate Courts, in lieu thereof the Second Saturday dated 11/02/2012 is declared as working day in all the Subordinate Courts.
2	2	29/01/2012	On account of sad demise of Hon'ble Mr. Justice Chand Mal Lodha, Former Chief Justice of Rajasthan High Court and Gauhati High Court, Assam, the Rajasthan High Court, Jodhpur with its Bench at Jaipur and all Subordinate Courts of the State shall remain closed on Monday, 30 <sup>th</sup> January, 2012.
3	3	07/02/2012	Following festivals are declared as Local holidays for the year 2012 : <i>Shitlashtmi (15/03/2012) &amp; Baba Ramdev Mela (Masuriya) (17/09/2012)</i> for RHC, Jodhpur
4	4	19/03/2012	The existing panel of the Advocates, who were recommended for appointment as "Guardian-Ad-Litem" for the year, 2011 vide this Office Order No. 7/E.V./2011 dt. 02/08/2011, shall continue for the year 2012.
5	5	02/04/2012	In partial modification of this office Notification No. 09/E.V./11 and 10/E.V./11 dated 25/11/2011, declaring festival holidays and long holidays, the holiday declared on Thursday dated 05/04/2012 on the festival of Mahaveer Jayanti is hereby changed to Wednesday dated 04/04/2012 and in lieu thereof Thursday dated 05/04/2012 is declared as working day in the Rajasthan High Court, Jodhpur/Jaipur Bench, Jaipur and all the Subordinate Courts.
6	6	05/04/2012	Regarding change of time in 2012 in Rajasthan High Court and all Subordinate Courts and offices from Monday 23 <sup>rd</sup> , 2012 to Saturday 30 <sup>th</sup> June, 2012 in the summer period. Subsequently vide order no. 7 dated 10.04.2012 the change of time was to commence from 16 <sup>th</sup> April, 2012 to 30 <sup>th</sup> June, 2012. Timing of Office Hours- 7.00 AM to 12.30 PM & Court Hours-7.30 AM to 12.30 PM.

## Important Decisions taken by Rajasthan High Court (Full Court Resolutions) (From 01/01/2012 to 30/06/2012)

1. Pursuant to Rule 7 read with Schedule-III of the Rajasthan Judicial Service Rules, 2010, 60 vacancies have been determined in the Civil Judge Cadre for the year 2012 which are categorised in the following manner

<i><b>Total No. Of Posts</b></i>	<i><b>Year</b></i>	<i><b>General</b></i>	<i><b>Reserved Posts</b></i>			<i><b>Physically Handicapped</b></i>
			<i><b>SC</b></i>	<i><b>ST</b></i>	<i><b>OBC</b></i>	
60	Current vacancies	32 out of which 09 posts for women	9 out of which 2 posts for women	7 out of which 2 posts for women	12 out of which 3 posts for women	1

**NOTE :**

- (i) The determination of vacancies is inclusive of 10% posts being part of the cadre strength which are provided in Schedule-I for leave reserve/training/deputation in the Cadre of District Judge, Senior Civil Judge and Civil Judge.
  - (ii) The 43 Posts determined against the Fast Track Courts are purely temporary in nature. In case the Fast Track Courts are abolished the officers appointed against these posts may preferably be adjusted against the vacancies which may arise due to retirements otherwise they will be discharged from service. In that case they will not claim any right on this account.
  - (iii) Recruitment process for 61 posts in District Judge Cadre, 39 by way of Direct Recruitment and 22 by way of Limited Competitive Examination and for 114 posts in the Civil Judge Cadre are under way. This determination has been made on the assumption that all the posts for which recruitment is going on will be filled up during the year.
  - (iv) The determination made above is subject to co-terminus with the existence of 43 courts of ADJ(FT). In the event of discontinuation of all these Fast Track Courts, this determination will be amenable to radical change accordingly.
2. Pursuant to the Government Order NO. F.19(9) Nyaya/2011 dated 31.01.2012, the date of grant of SUPER TIME SCALE of pay of District Judge Cadre to four officers were antedated.
  3. In terms of the Government Order No. F.11 (3) Judl./2002 dated 07.05.2003 and pursuant to Govt. Order No. F. 19 (9) Nyay/2011 dated 31.01.2012, ten officers of District Judge Cadre were promoted/granted SUPER TIME SCALE of pay of District Judge Cadre.
  4. Pursuant to Govt. Order No. F. 19(9)Nyay/2011 dated 31.01.2012, the date of grant of Selection Scale of Pay of District Judge Cadre to twenty seven officers were antedated.
  5. In terms of Government Order No. F.11 (3) Judl./2002 dated 07.05.2003 and pursuant to Government Order No. F. 19 (9) Nyay/2011 dated 31.01.2012, thirty four officers of Distt. Judge Cadre were promoted/granted SELECTION SCALE of pay of District Judge Cadre.
  6. Vide Notification No. Estt.(RJS)/53/2012 dated 02.06.2012, the number of vacancies in the District Judge Cadre were notified for the year 2012.
  7. Vide Government Order No. F. 19 (1) Nyay/2010 dated 08.06.2012, 91 officers were promoted to Senior Civil Judge Cadre.



## Some Important Permanent Instructions (Circulars) Issued by Hon'ble Rajasthan High Court (From 01/01/2012 to 30/06/2012)

<i>Circular No.</i>	<i>Date</i>	<i>Particulars</i>
1	17/01/2012	In compliance of order passed by Hon'ble the Supreme Court vide Order dt. 12/10/2011 in the matter of Criminal Appeal No. 1640/2010-Thana Singh Vs. Central Bureau of Narcotics & Ors. All the Presiding Officers of NDPS Courts were instructed to complete the trial of the cases under the NDPS Act, especially those, in which the accused are in jail for more than 5 years, at the earliest and on day to day basis without compromising the quality of adjudication.
2	06/02/2012	Regarding participation of all Judicial Officers in the Mediation Programme in the State.
3	20/06/2012	Mission Mode Programme-Launching a campaign mode approach-Second Phase : 1 <sup>st</sup> July to 31 <sup>st</sup> December, 2012 to reduce pendency in subordinate courts. Re : to take all necessary steps for filling-up existing vacancies so that augmented availability of manpower at the Courts would ensure higher disposal.

## Creation & Abolition of Courts (From 01/01/2012 to 30/06/2012)

### Creation

Seven Courts of Spl. ACJM (PCPNDT Act Cases) at **Ajmer, Bharatpur, Bikaner, Jaipur Metropolitan, Jodhpur Metropolitan, Kota and Udaipur** have been created vide Notification No. F.2(3)Nyaya/2012 dated 01.06.2012 by the Government of Rajasthan.

## Activities and Achievements of Rajasthan State Legal Services Authority (From 01/01/2012 to 30/06/2012)

<i>Sr. No.</i>	<i>Programme</i>	<i>Particulars</i>
1	Mediation & Conciliation programme from January, 2012 to May 2012	<b>Cases disposed of through Mediation &amp; Conciliation Centre at High Court and District level</b> -During the month of January 2012 to May 2012 total 1838 cases referred by Hon'ble High Court and subordinate courts in which 236 cases disposed of successfully by the mutual consent of the litigants.

<b>Sr. No.</b>	<b>Programme</b>	<b>Particulars</b>
2	Regular Legal Services Programme during the Month of January, 2012 to May 2012	<p><b><u>Lok Adalat</u></b>  <b><u>Section 22-B</u></b>  472 Permanent Lok Adalats were organized for Public Utility Services pre litigation cases at District Level, 2444 cases were pending as on 1-1-2012 and 577 cases instituted during the said period out of them 578 cases were disposed of and 2443 cases pending as on 31-5-2012.</p> <p><b><u>Section 19 ( including conventional Lok Adalats)</u></b>  12645 Lok Adalats were organized at High Court, District and Taluka Level, 361524 cases taken up in these Lok Adalats and 135028 cases were disposed off and amount of Rs. 23,82,17,221/- awarded in 1610 MACT cases.</p> <p><b><u>Legal Literacy Camps.</u></b>  4963 Legal Literacy Camps were organized and Total 375162 persons were benefited through these Legal Literacy Camps.</p> <p><b><u>Legal Aid</u></b>  2345 Persons were benefited through Legal Aid during the said period.</p> <p><b><u>Legal Aid Clinic</u></b>  1886 Public grievance applications were pending on 1<sup>st</sup> January, 2012 and 1289 applications received during the said period in which 1279 applications were disposed off and there after 1896 applications are pending as on 31.5.2012.</p>
3	Special Legal Awareness Programme among School Children	<p>Under the directions of Hon'ble the Executive Chairman State Legal Services Authority, this Authority undertook a special legal awareness programme throughout the State as follows:-</p> <p><u>10-2-12-</u> programme organized at Central Jail, Jaipur for prisoners for their rights and facilities.</p> <p><u>21-2-12</u> A meet was organized for including a book in syllabus of class 9 to 12 std. titled as “<b>Vidhartiyon ke Kanooni Adhikar Aur Jankariyan</b>” published by Rajasthan State Legal Services Authority, Jaipur.</p> <p><u>25-02-2012</u> The Hon'ble Executive Chairman, RSLSA visited to Mediation Training Programme held at Jaipur and Kota.</p> <p><u>13-03-2012</u> On the occasion of International Women Empowerment Day, a special seminar was organized at Jawahar Kala Kendra, Jaipur.</p> <p><u>29-3-2012</u> A meeting was organized at Jaipur with Secretary, Social Justice and Empowerment Department for the rights of senior citizens and rights of children.</p> <p><u>12-4-2012</u> A press conference was organized under the Chairmanship of Hon'ble Executive Chairman, RSLSA at the office of Times of India, Jaipur for effective implementation of Legal Services and Legal Awareness programmes.</p> <p><u>19-5-2012</u> As per direction of National Legal Services Authority, New Delhi, a video conferencing with Hon'ble Executive Chairman, NALSA with Chairman, DLSA, Ganganagar and Bharatpur regarding implementation of various schemes and programmes launched by NALSA and RSLSA.</p> <p>A special awareness programme on the occasion of Akshaya Tritiya for restraining the Child Marriages, PCPNDT Act, female foeticide, Women Empowerment, Rajasthan Victim Compensation Scheme, 2011, proper compliance of directions of Hon'ble Apex Court and NALSA, RSLSA Schemes. In the follow up action 639 Child Marriages were restrained immediately and on the other hand 31 meetings were organized, 2450 Legal Literacy Camps, rallies and conferences were organized.</p>

<b>Sr. No.</b>	<b>Programme</b>	<b>Particulars</b>
4	Creation of posts, equipments and resources for RSLSA	State Govt. sanctioned 12 full time Secretaries for District Legal Services Authorities with 01 Steno, 01 LDC in regular nature and 01 class IV on contract services for each full time secretary.  In addition State Govt. has also sanctioned the post of 02 Jr. Accountant on regular basis and 03 Drivers on contract basis.
5	Mega Lok Adalat	As per direction of 13th Finance Plan of Action. Cases disposed off through Mega Lok Adalat at Rajasthan High Court, Jodhpur/ Bench at Jaipur and subordinate courts of District and Taluka levels during the month of January to June 2012 Total 299537 cases taken up and 71326 cases disposed off through Mega Lok Adalats and awarded Rs. 18,04,47,708 /- to the parties.
6	Programmes organized as per National Action Plan 2012-13	Special Legal Awareness Programmes were organized at District and Taluk level i.e. to restrain child marriages, to stop female foeticide, Women Empowerment for uplifting the status of women in society, protection of women from domestic violence, against women trafficking, prohibition of tobacco, protection of rights of disabled persons, maintenance and welfare of parents and senior citizens, abolition of child labour, protection of Consumer Law, Environment Law, National Trust Law and spread the awareness about the Law and provisions of NREGA through Micro Legal Literacy Scheme. 4963 Legal Literacy Camps organized during the month of January to May, 2012.

## Mediators and Referral Judges Training Programme (From 01/01/2012 to 30/06/2012)

During the period of 01.01.2012 to 30.06.2012, 143 Judicial Officers and 96 Advocates from all over Rajasthan were given training of Mediation and 504 Judicial Officers from all over Rajasthan were given training of Referral Judges. The training was provided by MCPC, New Delhi.

## **Important Visits and Conferences/Seminar/Meeting/Training Programme attended by the Hon'ble Judges of Rajasthan High Court (From 01/01/2012 to 30/06/2012)**

<b>S.No</b>	<b>Date</b>	<b>Visit / conferences / seminars attended by Hon'ble Judge</b>
1	29.1.2012	Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court & Judge-in-charge Mediation Center, Rajasthan High Court, Jodhpur visited Referral Judges Training Programme, Ajmer Division .
2	18.2.2012	Hon'ble Mr. Justice N.K. Jain-I, Judge, Rajasthan High Court and Chairman, Rajasthan High Court Legal Services Committee, Jaipur attended the programme organized in Central Jail, Bharatpur for prisoners' rights and their facilities.
3	3 & 4 March, 2012	10 <sup>th</sup> All India Meet of State Legal Services Authorities held at Patna(Bihar) organized by National Legal Services Authority regarding implementation of Legal Services Programmes and Scheme was attended by Hon'ble Mr. Justice Dalip Singh, Executive Chairman, RSLSA along with Sh. K.B. Katta, Member Secretary, RSLSA.
4	14.04.2012	Hon'ble Mr. Justice Ajay Rastogi, Judge, Rajasthan High Court and Judge Incharge, Mediation, Rajasthan High Court, Jaipur and Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court and Judge Incharge, Mediation, RHC, Jodhpur participated in a conference at Bombay regarding "Mediation Programme" for Northern Zone of India held by MCPC New Delhi and Bombay Main Mediation Centre.

## **Important Activities Of High Court Legal Services Committee (From 01/01/2012 to 30/06/2012)**

Rajasthan High Court Legal Services Committee, Jaipur, under the Chairmanship of Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court, considered **116** applications for providing Legal Aid Services to the applicants and accepted **100** applications to provide Legal Aid Services during this period.

## Activities of Rajasthan State Judicail Academy (From 01/01/2012 to 30/06/2012)

<i>Date</i>	<i>Place</i>	<i>Target Group</i>	<i>Subject/Topic</i>	<i>Total No. of Beneficiaries</i>
24 <sup>th</sup> May, 2012	Jodhpur	Judicial Officers in the rank of District Judge, Officers of Registry at RHC, Jodhpur, All CJMs and Judicial Officers posted at Jodhpur Metro & District Judgeships	<b><u>Discourse on " Excellence Through Unattached Action"</u></b> In the "Discourse", Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice, Hon'ble Mr. Justice Arun Mishra, The Chief Justice, Rajasthan High Court, Jodhpur, Hon'ble Mr. Justice P.C.Tatia, The Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice Dinesh Maheshwari, the Chairman of RSJA and other dignitaries adorning the Dias, addressed the participants (Sitting & Former Judges of Rajasthan High Court, Advocates, Judicial Officers of District Judge Rank, Chief Judicial Magistrates, Judicial Officers posted at Jodhpur Metro and Jodhpur District and invitees of various departments) appreciating "the concept of unattached action by which Excellence can be achieved".	155
24 <sup>th</sup> May, 2012	Jodhpur	CJMs & SDMs of Jodhpur	<b><u>Scope and Application of PC &amp; PNDT Act, 1994 :</u></b> A seminar was organized on the topic "Scope and Application of PC & PNDT Act, 1994" in which all the Chief Judicial Magistrates of the State and Sub Divisional Magistrates of the Jodhpur District were enlightened by District & Sessions Judge, Jodhpur Metro. The participants Officers were made aware of the subject by power-point presentation which was made by a Senior Medical Officer to make the seminar more useful and pragmatic.	35

## eCourts-Mission Mode Project-Rajasthan

The 'Cabinet Committee of Economic Affairs' (CCEA) has approved the Scheme of Computerisation of District & Subordinate Courts in the country and for up-gradation of Information & Communication Technology (ICT) infrastructure of the higher courts at a cost of Rs.441.8 Crores in February 2007. It was called eCourts Mission Mode Project. The Phase-I was planned to be implemented in a period of two years (Feb 2007-2009) in 2100 Court Complexes across the country consisting of 13000 District & Subordinate Courts.

In the second phase, ICT enabled at 969 Court Complexes covering 2249 Courts.

It would be creating information gateways between courts & public agencies and departments. The project is expected to lead to complete demystification of the adjudicatory process thereby ensuring transparency, accountability & cost-effectiveness.

The project has been devised following the report submitted by the E-Committee on National Policy & Technology in the Indian Judiciary. The project will be implemented by 31<sup>st</sup> March 2014 throughout the country.

Under the eCourts project implementation status in State of Rajasthan –

	<i><b>Total</b></i>		<i><b>Site Preparation Funds sent for</b></i>		<i><b>Site Preparation Completed</b></i>	
	Court Complexes	Courts	Court Complexes	Courts	Court Complexes	Courts
<b>Total</b>	<b>238</b>	<b>794</b>	<b>238</b>	<b>794</b>	<b>237</b>	<b>793</b>
District	56	479	56	479	55	478
Taluka	182	315	182	315	182	315

1. 237 Court Complexes covering 794 District & Subordinate Courts.
2. Hardware delivery and installation completed at all 237 Court Complexes comprising of all the Courts. Each Court has 4 Computer (1 Slim & 3 Thin Client Computer) and 2 Printers for their day-to-day work.
3. Local Area Networking (LAN) completed at 139 Court Complexes comprising of 521 Courts and for remaining court complexes work is under progress.
4. Training imparted to Court staff on Case Information System (CIS) Software which has been rolled out in 580 Courts spread over 161 Court Complexes till the time.
5. Data entry has initiated at 347 Courts spread over 100 Court Complexes and 2.5 lacs cases entered into CIS Software.
6. Wide Area Network (WAN) connectivity will be provided at all District & Subordinate Courts through lease line and broadband for providing the case information on internet. WAN installed at 20 District Court Complexes.
7. Cause list of District Courts are available on the internet at <http://lobis.nic.in>. Causelists of all the other subordinate courts will be provided on the Internet shortly.
8. Judicial Service Centre (JSC) has also been started at Jaipur District Court, Rajsamand District Court, Udaipur District Court, Sri Ganganagar District Court, Pali District Court and Bundi District Court. Case Information Status is provided to the advocates, litigants etc. at the Judicial Service Centres.



## **Some Recent Judgments of Rajasthan High Court**

1. On 05.01.2012, Hon'ble Single Bench while deciding **S.B.Civil Writ Petition No.1354/2002 Prakash Kachhawa Versus State of Rajasthan & Ors.**, held that **service of an employee cannot be terminated under Rule-86 by verbal order** on the ground of wilful absent **without holding an enquiry**.
2. On 05.01.2012, Hon'ble Division Bench while deciding **D.B.Civil Special Appeal(Writ)No.1876/2011 Rajendra Nagar Adarsh Gram Nirman Sahakari Samiti Versus State & Ors.**, held that **when acquisition for public purpose is overlapping, acquisition could have been made by the Union for its purpose** that does not necessarily cease to be a State purpose or a general public purpose for which State is competent being beneficiary. The acquisition was for betterment of State and to benefit the resident of the State of Rajasthan. The interest of Housing Societies cannot prevail over such interest.
3. On 09.01.2012, Hon'ble Single Bench while deciding **S.B. Criminal Revision Petition No. 458/98 Ajay Kumar Parmar versus State of Rajathan** held that **Magistrate has no jurisdiction or power to refrain from committing the case to the court of Sessions when the charge sheet is filed**. Magistrate while refusing to take cognizance on the police report for a Sessions triable offence, over stepped the jurisdiction and the learned Sessions Judge has rightly set aside the said order of the learned Magistrate.
4. On 10.01.2012, Hon'ble Single Bench while deciding **S.B.Civil Contempt Petition No.766/2010 in S.B.Civil First Appeal No.220/2001, Dev Kishan Versus Madan Lal @ Madan Mohan** held, that **stay order should not be interpreted narrowly** as the intention of passing such stay order clearly shows that no such steps would be taken by either of the parties which may adversely affect the rights of the party in possession at the time of passing of the order. Misunderstanding or own understanding cannot be a permissible defence.
5. On 13.01.2012, Hon'ble Single Bench while deciding **S.B.Civil Writ Petition No.7679/2002, Ashok Kumar V/s State of Rajasthan & ors.** held that Review Committee has no power to abolish the post. For termination of even temporary employee, in the event of abolition of posts, it is expected from the respondents **to give notice and apprise the employees, as to why their services are liable to be terminated on abolition of post**. No such notice has been issued in the present case which is contrary to the true spirit of Section 12(a) of the Rajasthan(Regularization of appointment to Public Services and Rationalization of Staff)Act, 1999.
6. On 1.2.2012, the Hon'ble Single Bench while deciding **S.B.Civil Misc. Appeal No. 596/97, Panney Singh vs. Sharad Kumar & Ors.**, while interpreting the provisions of Motor Vehicle Act, 1939, held that the **liability of the Insurance Company** under Section 95 of the Act is **unlimited where premium of Rs. 240/- was charged for 'Public Risk' instead of Rs.200/- for 'Act only liability'**.

7. On 2.2.2012, Hon'ble Single Bench while deciding **S.B. Civil Writ Petition No.10448/2010, Akashdeep Arora & Anr. Vs. State of Rajasthan & Anr.**, held that by applying the roaster point and taking note of the posts advertised in the year 2003 and 2007, **the determination of reservation in favour of the disabled persons may be made as per roaster point.** Therein, the provisions of Section 36 of the Act of 1995 may be taken note of where interchangeability of one category to another is made permissible.
8. On 13.02.2012, Hon'ble Division Bench while deciding **D.B.Civil Writ Petition No.15031/2011 S.N.Sethi Versus Union of India & ors.**, held that if a criminal charge is pending or sanction for prosecution has been issued or decision has been taken to accord sanction for prosecution or in investigation on **serious allegation of corruption, bribery or similar grave misconduct is in progress either by C.B.I. or any other agency, then procedure of keeping the recommendation of D.P.C. in a sealed cover shall be applicable in case of government servant.** The petitioner would be eligible for regular promotion only after exoneration from the charges leveled against him.
9. On 29.02.2012, Hon'ble Single Bench while deciding **S.B.Criminal Appeal No.1852/2007, Mohan Lal Versus The State of Rajasthan**, held that requirement of Section 50 of the N.D.P.S. Act has been fully complied with as the option was given to the appellant. Further, the difference in weight of contraband substance is minor due to use of basic weighing machine and much more improved and sensitive machine at laboratory. **Acquittal of co-accused cannot be a ground for acquittal of appellant when the recovery of opium is established from him.**
10. On 16/3/2012, Hon'ble Single Bench in **S.B.Civil Revision Petition No. 188/2011, Ganga Singh Vs. L.Rs of Chhotu Singh & ors.**, while interpreting the provisions of **Partition Act, 1893** held that the **preemptive right of the co-sharer under Sections 3 and 4 of the Act comes to an end with actual sale of property in an auction in favour of third party and such auction cannot be made a tool to determine the market value of the property** and the only course open to set aside the auction is the procedure laid down under Order 29 Rule 89 CPC. The Court further opined that since the petitioner in the instant case did not really & effectively exercise his right under Section 3 or 4 of the Act at any point of time nor he has deposited valuation of 3/10 share of property, so as to satisfy the decree in favour of auction purchaser, therefore, the purpose of filing application under Section 3 & 4 of the Act belatedly on 28.4.2011, cannot be said to be bonafide. The Hon'ble Court concluded that the right of preemption under section 3 & 4 of the Partition Act, 1893 cannot be said to be an absolute and over-riding right which cannot be defeated by estoppel or equity.
11. On 22.03.2012, Hon'ble Division Bench while deciding **D.B.Civil Writ (Parole) Petition No. 12294/2011, Shambhu Dayal Versus The State of Rajasthan & Ors.**, held that the Rajasthan Prisoners Release on Parole Rules, 1958 **are not applicable** in the cases where imprisonment for an offence against any law relating to a matter to which **the executive power of Union extends and such cases have to be dealt with in accordance of Rules, 1955 framed by Central Government.**

It was further held that as per Rules, 55 **requirement of deposition of fine cannot be a condition precedent for consideration of application for parole.**

12. On 3.04.2012, **Hon'ble Single Bench while deciding SB Civil Writ Petition No.13882/2011, Rohit Sharma Vs. State of Rajasthan & Ors**, while interpreting provisions of Rajasthan Civil Services (Pension) Rules, 1996 and Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, **held that son or daughter of a Government servant suffering from specific disabilities prescribed in proviso to Rule 67 of the Pension Rules 1996 has been made entitled for family pension.** However, there is a general mention of disabled son or daughter in the proviso to Rule 67 of the Rules of 1996 to earn a living. The disability has not been defined in any other rule relating to grant of family pension. Since there is a general mention of disability to earn a living in proviso to Rule 67 of the Rules of 1996, it would be appropriate to take the definition of disability mentioned in the Act of 1995 wherein the blindness has been included in the definition of disability. Thus, Hon'ble Court applying these provisions allowed the writ petition and held that the petitioner, who was totally blind since birth, is entitled to get family pension.
13. On 18.04.2012, **Hon'ble Single Bench while deciding SB Criminal Misc. Petition No.892/2012, Prakash Chandra Vs. State & Raj. & Anr**, held that it is the mandate of the Code of Criminal Procedure that every investigation should be completed without unnecessarily delay. Similar is the spirit of the Constitution of India that it is the right of every citizen to have a case, particularly a criminal case, to be investigated, enquired and tried at the earliest. Similarly, it is the right of the accused to have a criminal case decided expeditiously. Hon'ble Court has also held that **delay in investigation does have a material effect and deep consequence on the result of the same.** In the instant case, FIR was lodged in the year 2009 but the investigation was not completed till the date of passing of the order in this petition. Hence, **Hon'ble Court gave various directions to the Director General of Police, Rajasthan for speedy investigation and conclusion of the same.**
14. On 09.05.2012, **Hon'ble Single Bench in SB Civil Writ Petition No.9440/2007, Managing Committee, Gaur Vipra Primary School Jaipur Vs. Civil Judge (Jr.Div.) & Ors**, while interpreting the provisions of Rajasthan Non Government Educational Institutions Act, 1989 and the Rajasthan Non Government Educational Institutions Rules, 1989 and the Revised Pay Scale Rules, 1996 and the Revised Pay Scale (5<sup>th</sup> Pay Commission) Rules, 1998, held that **pay scales to the teachers of Government Educational Institutions, by virtue of the statutory provisions, are also payable to the teachers of the Non Government Educational Institutions.** It is the mandate of Section 29 of the Act that the scale of pay and allowances except compensatory allowances with respect to all the employees of an aided institution shall not be less than

those prescribed for the staff belonging to similar categories in Government Institutions. Scale of pay and allowances of employees of an aided institution shall have parity with the employees of Government. The scale of pay of the teachers in Non Government Educational Institutions, shall, therefore, be similar to that of the servants/ teachers in Government Institutions. Under Rule 35 also, the scale of pay and allowances of the staff of the aided institutions shall not be less than those prescribed by the Government for staff of similar category of the Government Educational Institutions. Thus, the Hon'ble Court dismissed the writ petition filed by Management Committee, being devoid of any substance.

15. On 10/5/2012, the Hon'ble Court in **Anil Khatwani vs. Nistha Khatwani**, CMA No. 1250/2008, while interpreting the provisions of **Section 13-B of the Hindu Marriage Act**, held that the **unilateral withdrawal of consent of petition by the wife at the stage of second motion under Section 13-B(2) was merely to extort more money from the husband**, as the amount of permanent alimony of Rs. 5.50 lacs was accepted by her under a compromise. The Hon'ble Court further observed withdrawal of such consent has to be examined in the background of the reasons given for such withdrawal of consent and **it cannot be made a tool to frustrate the first petition under Section 13B of the Act or to extort more amount of permanent alimony**. Finding the consent for obtaining divorce decree by mutual consent free and without any force, fraud or undue influence, **the Hon'ble Court granted the divorce decree by mutual consent under Section 13-B of the Act**.





Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India, lighting the lamp at the inaugural ceremony of All India Judicial Officers Conference at Birla Auditorium, Jaipur on 21/01/2012.



Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India along with Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Hon'ble Mr. Ashok Gehlot, Chief Minister of Rajasthan at the inaugural ceremony of All India Judicial Officers Conference at Birla Auditorium, Jaipur on 21/01/2012.



Hon'ble sitting & former Judges of Rajasthan High Court and judicial officers from all over the country at the inaugural ceremony of All India Judicial Officers Conference at Birla Auditorium, Jaipur on 21/01/2012.



Hon'ble sitting & former Judges of Rajasthan High Court and judicial officers from all over the country at the inaugural ceremony of All India Judicial Officers Conference at Birla Auditorium, Jaipur on 21/01/2012.





**Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA along with Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court, Hon'ble Mr. Justice Prakash Tatia, Chief Justice of Jharkhand High Court, Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court and Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Rajasthan High Court at State Level Seminar on “New Dimensions to the Role of Legal Services in Achieving Access to Justice” organized by Rajasthan State Legal Services Authority in association with All India Judges Association on 21/01/2012.**



**Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court & Executive Chairman, RLSA and Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge, Rajasthan High Court & Chairman, Rajasthan High Court Legal Services Committee, Jaipur along with other dignitaries at Mega Lok Adalat organized by Rajasthan High Court Legal Services Committee under the aegis of Rajasthan State Legal Services Authority, Jaipur on 16/03/2012.**



Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court felicitating Hon'ble Mr. Justice Abhay Manohar Sapre, Judge, Rajasthan High Court, on the eve of his transfer on 20/04/2012 at Jodhpur.



Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court felicitating Hon'ble Mr. Justice Chand Mal Totla, Judge, Rajasthan High Court, on the eve of his retirement on 27/04/2012 at Jodhpur.





Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court felicitating Hon'ble Mr. Justice Kailash Chandra Joshi, Judge, Rajasthan High Court, on the eve of his retirement on 14/05/2012 at Jodhpur.



**Group photo of Hon'ble Judges of Rajasthan High Court on the occasion of Retirement of Hon'ble Mr. Justice Mahesh Bhagwati on Reference Ceremony on 31.05.2012 (Retired on 10.06.2012)**

**(Sitting from L to R) Hon'ble Mr. Justice Mohd. Rafiq, Hon'ble Mr. Justice Ajay Rastogi, Hon'ble Mr. Justice Dalip Singh, Hon'ble Mr. Justice Arun Mishra, the Chief Justice, Hon'ble Mr. Justice Mahesh Bhagwati, Hon'ble Mr. Justice Narendra Kumar Jain-I, Hon'ble Mr. Justice Prem Shanker Asopa.**

**(Standing from L to R) Hon'ble Mr. Justice Prashant Kumar Agarwal, Hon'ble Ms Justice Bela M.Trivedi, Hon'ble Dr. Justice Mrs. Meena V. Gumber, Hon'ble Mr. Justice Mahesh Chandra Sharma, Hon'ble Mr. Justice Raghuvendra Singh Rathore, Hon'ble Mr. Justice Munishwar Nath Bhandari, Hon'ble Mr. Justice Sajjan Singh Kothari, Hon'ble Mrs. Justice Nisha Gupta and Hon'ble Mr. Justice Alok Sharma.**



**Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice inaugurating the A.D.R. Centre, Jaipur in the presence of Hon'ble Mr. Justice Arun Mishra, the Chief Justice of Rajasthan High Court, Hon'ble Mr. Ashok Gehlot, Chief Minister of Rajasthan and Hon'ble Mr. Justice Dalip Singh, Judge, Rajasthan High Court on 26/05/2012.**



**Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice inaugurating the first Judicial Service Centre, Jaipur District, Jaipur in the presence of Hon'ble Mr. Justice Arun Mishra, the Chief Justice of Rajasthan High Court, Hon'ble Mr. Ashok Gehlot, Chief Minister of Rajasthan, Hon'ble Mr. Justice Narendra Kumar Jain-I, Judge Incharge, eCourts Project, Rajasthan High Court on 26/05/2012 .**





Hon'ble Mr. Justice Arun Mishra, Chief Justice of Rajasthan High Court addressing the audience on “Deliberation on Mediation- Alternative Mode of Redressing Dispute & Felicitation of Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice” in a function organized by District Legal Services Authority, Jaipur Metropolitan & District on 26/05/2012 at Jaipur.



Hon'ble Judges of Rajasthan High Court, their family members and other dignitaries attending a function organized by District Legal Services Authority, Jaipur Metropolitan & District on 26/05/2012 at Jaipur on “Deliberation on Mediation- Alternative Mode of Redressing Dispute & Felicitation of Hon'ble Mr. Justice Dalveer Bhandari, Judge, International Court of Justice.”



**Rajasthan High Court Bench, Jaipur**

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