

RAJASTHAN HIGH COURT, JODHPUR

No. 01/P.I./2020

Date : 03/01/2020

C I R C U L A R

It has been observed that some Presiding Officers of Subordinate Courts issue directions for personal appearance of Senior Administrative/Police Officers for explanation regarding errors and irregularities committed in discharge of public duties.

This practice is not permissible in light of repeated directions of Hon'ble Supreme Court. In R.S. Singh Vs. U.P. Malaria Nirikshak Sangh & Others (2011) 4 SCC 281, it has been observed that calling of Senior Officers of Government is nothing but ego satisfaction. Reference may also be made to recent directions in N.K. Janu v. Lakshmi Chandra [2019 (6) Scale 236] which are reproduced below:-

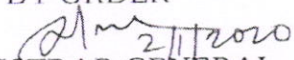
“.....The officers of the State discharge public functions and duties. The orders are generally presumed to be passed in good faith unless proved otherwise. The officers pass orders as a custodian of public money. Therefore, merely because an order has been passed, it does not warrant their personal presence. The summoning of officers to the court to attend proceedings, impinges upon the functioning of the officers and eventually it is the public at large who suffer on account of their absence from the duties assigned to them. The practice of summoning officers to court is not proper and does not serve the purpose of administration of justice in view of the separation of powers of the Executive and the Judiciary....”

Likewise, Rule 6 Order 35 of General Rules (Civil & Criminal) 2018 only provides for intimation to the District Magistrate or Inspector General/ Director General of Police for appropriate action regarding errors and irregularities but it is not permitted that Senior Administrative/Police Officers are compelled to personally appear before the Court for the purpose.

Therefore, it is enjoined upon all the Presiding Officers of Subordinate Courts not to issue orders for personal appearance of Senior Administrative/Police Officers in violation of the directions of Hon'ble Supreme Court and relevant Rules except in very rare and exceptional circumstances.

Any deviation would be viewed seriously.

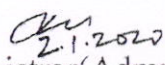
BY ORDER


REGISTRAR GENERAL

Gen/XV/01/2020/ 08

Date : 03.01.2020

Copy forwarded to all the District & Sessions Judges with request to circulate the same amongst all the Subordinate Courts in their Judgeships.


2.1.2020
Registrar(Admn.)