

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA No. 901 of 2020 (O&M) in
CWP No. 19148 of 2020
Date of Decision: 21.01.2021

Richa Singh

..... Appellant

Versus

Punjab and Haryana High Court, Chandigarh through
its Registrar General, Punjab and Haryana High Court,
Chandigarh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Diljit Singh Ahluwalia, Advocate
for the appellant.

*[The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

Appellant - Richa Singh has filed the present intra-Court appeal, being aggrieved against the impugned order dated 11.11.2020 passed by learned Single Judge, whereby her writ petition seeking direction for decision of her representation dated 27.01.2020 (**Annexure P-1**) pending before Hon'ble The Chief Justice of this Court on the administrative side, has been dismissed.

[2] Learned counsel for the appellant has argued that the learned Single Judge has wrongly dismissed the writ petition by holding that writ petition was not maintainable. It is submitted that the learned Single Judge has not at all considered the fact that any decision pending on administrative side is amenable to writ jurisdiction under Article 226 of the Constitution. Reference in this regard has been made to the judgment passed by a

Division Bench of this Court in “***Manjinder Singh Bal Versus The Registrar, Hon’ble Punjab and Haryana High Court at Chandigarh and another***”, 2013 SCC OnLine P&H 1176. It is further argued that the learned Single Judge has touched the merits of the representation pending before Hon’ble The Chief Justice, which were never even raised, and therefore, any adjudication on merits of the representation by the learned Single Judge was uncalled for. Hence, prayer has been made for allowing the appeal and setting aside the impugned order passed by learned Single Judge.

[3] We have heard counsel for the appellant at length and have scrutinized the paper book.

[3.1] In the present case, appellant has raised an apprehension through her representation dated 27.01.2020 (P-1) that there is some bias in the mind of the learned Single Judge who is hearing criminal matters pertaining to her matrimonial disputes, and therefore, she has sought transfer of all cases from the said judge to any other judge of High Court. However, no statutory provision has been brought to our notice which gives the writ petitioner any right to move a representation to the Chief Justice of High Court for transfer of her cases on the administrative side. Once that is so, we agree with the findings of the learned Single Judge when it held that the writ petition is not maintainable, as writ of mandamus can be issued only if enforcement of a Statutory/Constitutional right has been sought.

[3.2] Not only this, Hon’ble Supreme Court in “***Campaign for Judicial Accountability and Reforms vs. Union of India***”, (2018) 1 SCC 196, has held that a Chief Justice is Master of Roster and he alone has prerogative to constitute Benches and allocate cases. Said prerogative could

not have been exercised by any other Bench, be it administrative or judicial side. Consequently, to ask the Chief Justice to decide a representation would not only amount to interfering in his prerogative to take a decision on his power to assign roster/ cases to a particular Judge, but would also amount to asking him to decide a representation which is not even maintainable at the first instance. This would certainly set a wrong precedent which we are not inclined to lay down.

[4] The judgment relied upon by learned counsel for the appellant is not at all applicable to the facts of the present case as the issue raised therein was competency of a writ court to exercise its powers under Article 226 against an order passed by The Chief Justice on administrative side. This issue is not even remotely in question in the present writ petition.

[4.1] As far as the second argument raised by the counsel regarding adjudication by learned Single Judge on merits of the representation is concerned, we are of the view that once a document is placed on record before a Court for its perusal, it is the prerogative of the Court to judge its merits and demerits. Whether a counsel raises arguments on the document or not, pales into insignificance.

[5] In view of the above, finding no merit, present writ **petition** is hereby ordered to be **dismissed**.

(JASWANT SINGH)
JUDGE

January 21, 2021
'dk kamra'

WWW.LIVELAW.IN

(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	Yes