



2025:AHC:137605

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 27326 of 2025

Hemant Kumar Gupta

.....Petitioner(s)

Versus

State Consumer Disputes Redressal Commission

.....Respondent(s)

Counsel for Petitioner(s)	:	Aishwarya Pratap Shahi, Nipun Singh
Counsel for Respondent(s)	:	

Court No. - 33

HON'BLE PRAKASH PADIA, J.

1. Justice Cardozo of course said: [The Nature of the Judicial Process, Benjamin N. Cardozo pp. 168-69]

The great tides and currents which engulf the rest of men, do not turn aside in their course, and pass judges by. We like to figure to ourselves the processes of justice as coldly objective and impersonal. The law, conceived of as a real existence, dwelling apart and alone, speaks, through the voices of priests and ministers, the words which they have no choice except to utter. That is an ideal of objective truth toward which every system of jurisprudence tends.... It has a lofty sound; it is well and finely said; but it can never be more than partly true.

2. It is true that the judges are flesh and blood mortals with individual personalities and with normal human traits. Still what remains essential in judging, Justice Felix Frankfurter said: [The Judiciary and Constitutional Politics — Views from the Bench, Mark W. Cannon and David M.O.'s Brien p. 27]

First and foremost, humility and an understanding of the range of the problems and (one's) own inadequacy in dealing with them, disinterestedness ... and allegiance to nothing except the effort to find (that) pass through precedent, through policy, through history, through (one's) own gifts of insights to the best judgment that a poor fallible creature can arrive at in that most difficult of all tasks, the adjudication between man and man, between man and state, through reason called law.

3. Judicial restraint and discipline are as necessary to the orderly administration of justice as they are to the effectiveness of the army. The

duty of restraint, this humility of function should be constant theme of our judges. This quality in decision making is as much necessary for judges to command respect as to protect the independence of the judiciary. Judicial restraint in this regard might better be called judicial respect, that is, respect by the judiciary. Respect to those who come before the court as well to other co-ordinate branches of the State, the executive and the legislature. There must be mutual respect. When these qualities fail or when litigants and public believe that the judge has failed in these qualities, it will be neither good for the judge nor for the judicial process.

4. The Judge's Bench is a seat of power. Not only do judges have power to make binding decision, their decisions legitimate the use of power by other officials. The judges have the absolute and unchallengeable control of the court domain. But they cannot misuse their authority by intemperate comments, undignified banter or scathing criticism of counsel, parties or witnesses. We concede that the court has the inherent power to act freely upon its own conviction on any matter coming before it for adjudication, but it is a general principle of the highest importance to the proper administration of justice that derogatory remarks ought not to be made against persons or authorities whose conduct comes into consideration unless it is absolutely necessary for the decision of the case to animadvert on their conduct.

5. The aforesaid observations (Paragraph-3 & 4) of this judgment are made by the Hon'ble Apex Court in the case of **A.M. Mathur vs. Pramod Kumar Gupta** reported in **(1990) 2 SCC 533**.

6. Heard Shri Nipun Singh along-with Shri Aishwarya Pratap Singh, learned counsel for the petitioner.

7. The petitioner has preferred the present writ petition inter-alia with the following prayers:-

"a) Issue a writ, order or direction in the nature of certiorari to quash the order dated 09.05.2025 so far as it relate to the impugned adverse remarks passed by the State Consumer Disputes Redressal Commission, Lucknow against the petitioner, in Appeal No. 1040 of 2023;

b) Issue a writ, order or direction in the nature of certiorari to quash the order dated 29.04.2025 so far as it relate to the impugned adverse remarks passed by the State Consumer Disputes Redressal Commission, Lucknow against the petitioner, in Appeal No.318 of 2024;"

8. Facts in brief as contained in the writ petition are that the Appeal No. 1040 of 2023 (Authorized Officer/ Dealer Reliance Retail Limited vs. Vinit

Kumar Singhal) was decided on 09.05.2025 by the State Consumer Dispute Redressal Commission, Lucknow wherein certain adverse remarks were made against the petitioner without any notice to him.

9. Appeal No.318 of 2024 (Life Insurance Corporation of India vs. Smt. Sureshwati and another) was decided on 29.04.2025 wherein also similar unwarranted and stigmatic observations were recorded against the petitioner.

10. The petitioner was appointed as Chairman of the District Consumer Dispute Redressal Commission, Shamli, and assumed his charge on 01.09.2020. During his tenure on the aforesaid post he adjudicated over 600 complaint cases. However, no personal comment or adverse observation was ever made against the petitioner by any superior court or authority. In complaint Case No.43 of 2018 (Vinit Kumar Singhal vs. Reliance Retail Ltd.) the petitioner passed a detailed order on 06.02.2023. Against the aforesaid order, an appeal was filed by the authorized officer/ dealer Reliance Retail Ltd. before the State Commission which was numbered as Appeal No.1040 of 2023. In the said appeal an order dated 09.05.2025 was passed by the Respondent by which the appeal was allowed. While allowing the appeal the respondent made certain adverse remarks against the petitioner which reads as follows:-

"6. यह उल्लेख भी समीचीन होगा कि जिला उपभोक्ता आयोग शामली द्वारा पारित अनेक निर्णयों में यह पाया गया है कि जिला उपभोक्ता आयोग शामली के अध्यक्ष द्वारा न्यायिक विवेक का प्रयोग न करते हुए मनमाने आधारों पर अपने निर्णय पारित किये जा रहे हैं। इस संबंध में इस पीठ द्वारा पूर्व में भी टिप्पणी की गई है तथा एक निर्णय को संबंधित जिला उपभोक्ता आयोग शामली के अध्यक्ष की व्यक्तिगत पंजिका में रखने का आदेश भी पारित किया गया है। यह प्रकरण भी इसी प्रकृति का है। अतः इस निर्णय की एक प्रति भी संबंधित जिला उपभोक्ता आयोग शामली की व्यक्तिगत पंजिका में रखी जाये तथा भविष्य में इनके द्वारा जो भी आवेदन किसी भी सेवा के लिये इस आयोग के समक्ष प्रस्तुत किया जाये उस आवेदन पर स्पष्ट टिप्पणी की जाये कि इस पीठ द्वारा जिला उपभोक्ता आयोग शामली के अध्यक्ष के संबंध में क्या टिप्पणी की गई है ?

7. इस निर्णय की एक प्रति निबंधक, राज्य उपभोक्ता आयोग को इस आशय से प्रेषित की जाय कि जिला उपभोक्ता आयोग शामली के अध्यक्ष द्वारा प्रेषित किसी भी पद के लिये आवेदन करने पर इस पीठ द्वारा पारित निर्णय / आदेश का उल्लेख किया जाय।"

11. Apart from the same, the petitioner also presided over Complaint Case No.15 of 2016 wherein the complainant's husband was denied rightful claim under a group medical policy despite repeated hospitalizations. In the said Complaint Case an order was passed by the petitioner on 22.03.2016 by which the direction was given by the petitioner to the Life Insurance Corporation to make the payment of Rs.1,50,000/- along with 12% annual interest. Copy of the order dated 12.01.2024 passed by the petitioner in the aforesaid complaint case is appended as Annexure-5 to the writ petition.

12. The aforesaid order was challenged before the respondent by the Life Insurance Corporation of India which was numbered as Appeal No. 318 of 2024. The said appeal was finally decided by the Respondent vide judgment and order dated 29.04.2025. By the aforesaid judgment, the order passed by the petitioner being the presiding officer in the District Consumer Forum was set aside and the matter was remanded back before the District Forum to decide the matter afresh. While passing the aforesaid order certain remarks were made by the Respondent against the petitioner which reads as follows:-

"इस अवसर पर यह स्पष्ट किया जाता है कि जिला आयोग, शामली अपनी कार्य प्रणाली में सुधार करें; और यह सुनिश्चित करने के पश्चात ही निर्णय पारित किया जाए कि सभी आवश्यक पक्षकारों को शामिल कर लिया गया है अथवा नहीं। सभी आवश्यक पक्षकारों को शामिल करने के उपरान्त जिला आयोग, शामली द्वारा निर्णय एवं आदेश गुण-दोष के आधार पर पारित किया जाए। जिला आयोग, शामली द्वारा आवश्यक पक्षकार को शामिल किये बिना निर्णय पारित किया जाना अवैध कार्यप्रणाली को दर्शित करता है।

इस आदेश की प्रति अध्यक्ष जिला आयोग, शामली को स्वतंत्र रूप से प्रेषित की जाए तथा जिला आयोग के अधिष्ठान अनुभाग द्वारा पंजवली पर सुरक्षित रखी जाए।"

13. Aggrieved against the aforesaid remarks, petitioner submitted a representation before the National Consumer Disputes Redressal Commission, New Delhi. The aforesaid representation was not entertained with the direction to the petitioner to file a review or misc. application in the proceedings itself as may be possible in law or seek his remedy on the judicial side.

14. It is argued that as per the well established principles of law the appellate court must restrain themselves from making personal remarks to the Subordinate judicial officers. It is further argued that as per established principles of law the adverse remarks affecting the service carrier of the judicial officers must not be made without offering an opportunity. It is further argued that insofar as the present case is concerned, before making adverse remarks against the petitioner, no opportunity of hearing whatsoever has been provided to the petitioner at any point of time.

15. Counsel for the petitioner placed reliance upon the following judgments:-

"(1) Pandit Ishwari Prasad Misra vs. Mohammad Isa in Civil Misc. Writ Petition No.27326 of 2025 reported in AIR 1963 SC 1728:-

(2) Dr. Raghubir Saran vs. State of Bihar and another reported in AIR 1964 SC 1

(3) State of U.P. vs. Mohammad Naim reported in (1964) 2 SCR 363

(4) Niranjan Pattnaik vs. Shashi Bhushan Kar reported in **(1986) 2 SCC 569**

(5) K.P. Tiwari vs. State of Madhya Pradesh reported in **1994 Supp (1) SCC 540**

(6) Brij Kishore Thakur vs. Union of India reported in **(1997) 4 SCC 65**

(7) 'K' A Judicial Officer reported in **(2001) 3 SCC 54**

(8) Prakash Singh Teji vs. Northern India Goods Transport Company Limited and another reported in **(2009) 12 SCC 577**

(9) Amar Pal Singh vs. State of Uttar Pradesh and another reported in **(2012) 6 SCC 491**

(10) Awni Kumar Upadhyay vs. High Court of Judicature at Allahabad and others reported in **(2013) 12 SCC 392**

(11) K.G. Shanti vs. United India Insurance Company Limited and others reported in **(2021) 5 SCC 511**

(12) Sonu Agnihotri vs. Chandra Shekhar and others reported in **(2024) SCC OnLine SC 3382**

16. Heard counsel for the petitioner and perused the records.

17. From perusal of the records, it is clear that in Appeal No.1040 of 2023 and in Appeal No.318 of 2024 certain adverse remarks were made against the petitioner, relevant portion of which has already been quoted. It is also clear from the perusal of the record that before making the aforesaid adverse remarks, no notice or opportunity of hearing has been provided to the petitioner.

18. In the case of **Pandit Ishwari Prasad Misra (Supra)** it has been held by the Hon'ble Apex Court that High Court was not justified in passing structure against the Trial Judge in dealing with the cases. Paragraph-27 & 28 of the aforesaid judgment reads as follows:-

"27. Before we part with this appeal, it is necessary that we should make some observations about the approach adopted by the High Court in dealing with the judgment of the trial court which was in appeal before it. In several places the High Court has passed severe strictures against the trial court and has, in substance, suggested that the decision of the trial court was not only perverse but was based on extraneous considerations. It has observed that the mind of the learned Subordinate Judge was already loaded with bias in favour of the plaintiff and that the plaintiff had calculated that such of the evidence as he would produce "along with the pull and weight that would be harnessed from behind would be sufficient to carry him through".

Similarly, in criticising the trial court for accepting the evidence of Jamuna Singh, the High Court has observed that the presumption made by the trial court that teacher, as a rule, is a respectable person, "is not any legal appreciation of the evidence but a way found to suit the convenience of the court for holding in favour of the plaintiff". It would thus be seen that in reversing the decision of the trial Court, the High Court has suggested that the trial court was persuaded by extraneous considerations and that some pull and weight had been used in favour of the appellant from behind. We are constrained to observe that the High Court was not justified in passing these strictures against the trial Judge in dealing with the present case. Judicial experience shows that in adjudicating upon the rival claims brought before the courts it is not always easy to decide where truth lies. Evidence is adduced by the respective parties in support of their conflicting contentions and circumstances are similarly pressed into service. In such a case, it is, no doubt, the duty of the Judge to consider the evidence objectively and dispassionately, examine it in the light of probabilities and decide which way the truth lies. The impression, formed by, the Judge about the character of the evidence will ultimately determine the conclusion which he reaches. But it would be unsafe to overlook the fact that all judicial minds may not react in the same way to the said evidence and it is not unusual that evidence which appears to be respectable and trustworthy to one Judge may not appear to be respectable and trustworthy to another Judge. That explains why in some cases courts of appeal reverse conclusions of facts recorded by the trial court on its appreciation of oral evidence. The knowledge that another view is possible on the evidence adduced in a case, acts as a sobering factor and leads to the use of temperate language in recording judicial conclusions. Judicial approach in such cases should always be based on the consciousness that one may make a mistake; that is why the use of unduly strong words in expressing conclusions or the adoption of unduly strong intemperate, or extravagant criticism, against the contrary view, which are often founded on a sense of infallibility should always be avoided. In the present case, the High Court has used intemperate language and has even gone to the length of suggesting a corrupt motive against the Judge who decided the suit in favour of the appellant. In our opinion, the use of such intemperate language may, in some cases, tend to show either a lack of experience in judicial matters or an absence of judicial poise and balance. We have carefully considered all the evidence to which our attention was drawn by the learned counsel on both the sides and we are satisfied that the imputations made by the High Court against the impartiality and the objectivity of the approach adopted by the trial Judge are wholly unjustified. It is very much to be regretted that the High Court should have persuaded itself to use such extravagant language in criticising the trial Court, particularly when our conclusion in the present appeal shows that the trial court was right and the High Court was wrong. But even if we had not upheld the findings of the trial Court, we would not have approved of the unbalanced criticism made by the High Court against the trial Court. No doubt, if it is shown that the decision of the trial court in a given case is a result of a corrupt motive, the High Court

must condemn it and must take due further steps in the matter. But the use of strong language and imputation of corrupt motives should not be made light-heartedly because the Judge against whom the imputations are made has no remedy in law to vindicate his position.

28. What we have said about the extravagant criticism made by the High Court against the trial Judge needs to be repeated in respect of similar criticism made by the High Court against some of the witnesses examined in the case. There is no doubt that judicial administration should be fearless; judges must have full freedom to express their conclusions in respect of the evidence given by the witnesses before them without any favour or fear; and so, judicial power to express its appreciation about oral evidence is very wide. But the very width of the said power must inevitably impose some healthy restraints upon its exercise. Take, for instance, the criticism made by the High Court against the young lawyer Mr Choudhary. In our opinion, that criticism is wholly unjustified. It is conceivable that in a given case, a Court of facts may come to the conclusion that all the witnesses who have supported one party have conspired to give false evidence, and in such a case, the court must unhesitatingly record its conclusion to that effect. But, before such a conclusion is reached, all the pros and cons must be carefully and scrupulously examined and a conscientious effort must always be made not to regard evidence which appears to be unreasonable or improbable as being false and perjured. We have noticed that the judgment of the High Court shows a tendency, to regard every witness, whose evidence the High Court did not feel inclined to accept as a perjurer and a conspirator. This approach again may tend to show with respect, either lack of experience or absence of judicial poise and balance. It is because the judgment of the high Court showed these glaring infirmities that Mr Sastri told us at the very outset that in the present appeal, all that he proposed to do was to defend the respondent but not the judgment of the High Court which has been pronounced in his favour. "

19. In the case of **Dr. Raghubir Saran (Supra)** the same view was again taken by the Hon'ble Apex Court. Paragraph-30 of the aforesaid judgment reads as follows:-

"30. To sum up, every High Court as the highest court exercising criminal jurisdiction in a State has inherent power to make any order for the purpose of securing the ends of justice. This power extends to expunction or ordering expunction of irrelevant passages from a judgment or order of a subordinate court and would be exercised by it in appropriate cases for securing the ends of justice. Being an extraordinary power it will, however, not be pressed in aid except for remedying a flagrant abuse by a subordinate court of its powers such as by passing comment upon a matter not relevant to the controversy before it and which is unwarranted or is likely to harm or prejudice another. "

20. In the case of **Mohammad Naim (Supra)**, certain observations were made against the State-Government, it was held by the Hon'ble Apex Court that such kind of orders would only be passed in exceptional cases. However remarks made by the High Court against the State Government was expunge by the Hon'ble Apex Court in the aforesaid case. The relevant paragraph-10

of the aforesaid judgment reads as follows:-

"10. The second point for consideration is this, has the High Court inherent power to expunge remarks made by itself or by a lower court or otherwise to secure the ends of justice? There was at one time some conflict of judicial opinion on this question. The position as to case-law now seems to be that except for a somewhat restricted view taken by the Bombay High Court, the other High Courts have taken the view that though the jurisdiction is of an exceptional nature and is to be exercised in most exceptional cases only, it is undoubtedly open to the High Court to expunge remarks from a judgment in order to secure the ends of justice and prevent abuse of the process of the Court (see Emperor v. Ch. Mohd. Hussan; State v. Chhotey Lal; Lalit Kumar v. S.S. Bose; S. Lal Singh v. State Ramsagar Singh v. Chandrika Singh and In re Ramaswami. The view taken in the Bombay High Court is that the High Court has no jurisdiction to expunge passages from the judgment of an inferior court which has not been brought before it in regular appeal or revision; but an application under Section 561-A CrPC is maintainable and in a proper case the High Court has inherent jurisdiction, even though no appeal or revision is preferred to it, to correct judicially the observations made by pointing out that they were not justified, or were without foundation, or were wholly wrong or improper (see state v. Nilkanth Shripad Bhawe). In state of U.P. v. J.N. Begga this Court made an order expunging certain remarks made against the State Government by a learned Judge of the High Court of Allahabad. The order was made in an appeal brought to this Court from the appellate judgment and order of the Allahabad High Court. In state of U.P. v. Ibrar Hussain this Court observed that it was not necessary to make certain remarks which the High Court made in its judgment. Here again the observation was made in an appeal from the judgment and order of the High Court of Bombay is correct and the High Court can in the exercise of its inherent jurisdiction expunge remarks made by it or by a lower court if it be necessary to do so to prevent abuse of the process of the court or otherwise to secure the ends of justice; the jurisdiction is however of an exceptional nature and has to be exercised in exceptional cases only. In fairness to learned counsel for the appellant we may state here that he has submitted before us that the State Government will be satisfied if we either expunge the remarks or hold them to be wholly unwarranted on the facts of the case. He has submitted that the real purpose of the appeal is to remove the stigma which has been put on the police force of the entire State by those remarks the truth of which it had no opportunity to challenge."

21. In the case of **Niranjan Pattnaik (Supra)** it has been again held by the Hon'ble Apex Court that harsh or disparaging remarks are not to be made against persons and authorities whose conduct comes into consideration before the courts of law, unless it is really necessary for the decision of the case. Paragraph-24 and 25 reads as follows:-

"24. It is, therefore, settled law that harsh or disparaging remarks are not to be made against persons and authorities whose conduct comes into consideration before courts of law unless it is really necessary for the decision of the case, as an integral part thereof to animadvert on that conduct. We hold that the adverse remarks made against the appellant were neither justified nor called for.

25. Having regard to the limited controversy in the appeal to the High Court and the hearsay nature of evidence of the appellant it was not at all necessary for the Appellate Judge to have animadverted on the conduct of the appellant

for the purpose of allowing the appeal of the first respondent. Even assuming that a serious evaluation of the evidence of the appellant was really called for in the appeal the remarks of the learned Appellate Judge should be in conformity with the settled practice of courts to observe sobriety, moderation and reserve. We need only remind that the higher the forum and the greater the powers, the greater the need for restraint and the more mellowed the reproach should be."

22. In the case of **K.P. Tiwari (Supra)** again the same view was taken by the Hon'ble Apex Court. Relevant portion of the aforesaid judgment i.e., paragraph-4 reads as follows:-

"4. We are, however, impelled to remind the learned Judge of the High Court that however anguished he might have been over the unmerited bail granted to the accused, he should not have allowed himself the latitude of ignoring judicial precaution and propriety even momentarily. The higher courts every day come across orders of the lower courts which are not justified either in law or in fact and modify them or set them aside. That is one of the functions of the superior courts. Our legal system acknowledges the fallibility of the judges and hence provides for appeals and revisions. A judge tries to discharge his duties to the best of his capacity. While doing so, sometimes, he is likely to err. It is well said that a judge who has not committed an error is yet to be born. And that applies to judges at all levels from the lowest to the highest. Sometimes, the difference in views of the higher and the lower courts is purely a result of a difference in approach and perception. On such occasions, the lower courts are not necessarily wrong and the higher courts always right. It has also to be remembered that the lower judicial officers mostly work under a charged atmosphere and are constantly under a psychological pressure with all the contestants and their lawyers almost breathing down their necks — more correctly up to their nostrils. They do not have the benefit of a detached atmosphere of the higher courts to think coolly and decide patiently. Every error, however gross it may look, should not, therefore, be attributed to improper motive. It is possible that a particular judicial officer may be consistently passing orders creating a suspicion of judicial conduct which is not wholly or even partly attributable to innocent functioning. Even in such cases, the proper course for the higher court to adopt is to make note of his conduct in the confidential record of his work and to use it on proper occasions. The judges in the higher courts have also a duty to ensure judicial discipline and respect for the judiciary from all concerned. The respect for the judiciary is not enhanced when judges at the lower level are criticised intemperately and castigated publicly. No greater damage can be done to the administration of justice and to the confidence of the people in the judiciary than when the judges of the higher courts publicly express lack of faith in the subordinate judges for one reason or the other. It must be remembered that the officers against whom such strictures are publicly passed, stand condemned for ever in the eyes of their subordinates and of the members of the public. No better device can be found to destroy the judiciary from within. The judges must, therefore, exercise self-restraint. There are ways and ways of expressing disapproval of the orders of the subordinate courts but attributing motives to them is certainly not one of them. That is the surest way to take the judiciary downhill. "

23. In the case of **Brij Kishore Thakur (Supra)** it has been held by the Hon'ble Apex Court that no greater damage can be caused to the administration of justice. It has been held by the Hon'ble Apex Court that Judges of higher courts must, therefore, exercise greater judicial restraint and

adopt greater care when they are tempted to employ strong terms against the lower judiciary. Relevant paragraphs namely paragraph nos.2, 9 & 11 of the aforesaid judgment reads as follows:-

"2. Judicial restraint is a virtue. A virtue which shall be concomitant of every judicial disposition. It is an attribute of a Judge which he is obliged to keep refurbished from time to time, particularly while dealing with matters before him whether in exercise of appellate or revisional or other supervisory jurisdiction. Higher courts must remind themselves constantly that higher tiers are provided in the judicial hierarchy to set right errors which could possibly have crept in the findings or orders of courts at the lower tiers. Such powers are certainly not for belching diatribe at judicial personages in lower cadre. It is well to remember the words of a jurist that "a Judge who has not committed any error is yet to be born".

9. When the appellant petitioned before the learned Single Judge to expunge the extremely offensive imputation made against a judicial officer that "it appears to me that bail has been granted for extraneous considerations", fairness required of him at least to put forward his reasons when he chose to reiterate those remarks in the order now under challenge. It is very unfortunate — we may say very distressing — that the learned Single Judge persisted in repeating those highly disparaging observations without any justification whatsoever.

11. No greater damage can be caused to the administration of justice and to the confidence of people in judicial institutions when Judges of higher courts publicly express lack of faith in the subordinate Judges. It has been said, time and again, that respect for judiciary is not enhanced by using intemperate language and by casting aspersions against lower judiciary. It is well to remember that a judicial officer against whom aspersions are made in the judgment could not appear before the higher court to defend his order. Judges of higher courts must, therefore, exercise greater judicial restraint and adopt greater care when they are tempted to employ strong terms against the lower judiciary. "

24. In the case of '**K' A Judicial Officer (Supra)** it has been held by the Hon'ble Apex Court that a Subordinate judge faced with disparaging and undeserving remarks made by a court of superior jurisdiction is not without any remedy. He may approach the High Court invoking its inherent jurisdiction seeking expunction of objectionable remarks which jurisdiction vests in the High Court by virtue of its being a court of record and possessing inherent powers as also the power of superintendence. Relevant paragraph of the aforesaid judgment namely paragraph Nos.7, 8, 9, 11, 12, 16, 17 and 19 reads as follows:-

"7. A Judge entrusted with the task of administering justice should be bold and feel fearless while acting judicially and giving expression to his views and constructing his judgment or order. It should be no deterrent to formation and expression of an honest opinion and acting thereon so long as it is within four-corners of law that any action taken by a subordinate judicial officer is open to scrutiny in judicial review before a superior forum with which its opinion may not meet approval and the superior court may upset his action or opinion. The availability of such fearlessness is essential for the maintenance of judicial independence. However, sobriety, cool, calm and poise should be reflected in every action and expression of a Judge.

8. *The primary purpose of pronouncing a verdict is to dispose of the matter in controversy between the parties before it. A Judge is not expected to drift away from pronouncing upon the controversy, to sitting in judgment over the conduct of the judicial and quasi-judicial authorities whose decisions or orders are put in issue before him, and indulge in criticising and commenting thereon unless the conduct of an authority or subordinate functionary or anyone else than the parties comes of necessity under review and expression of opinion thereon going to the extent of commenting or criticising becomes necessary as a part of reasoning requisite for arriving at a conclusion necessary for deciding the main controversy or it becomes necessary to have animadverted thereon for the purpose of arriving at a decision on an issue involved in the litigation. This applies with added force when the superior court is hearing an appeal or revision against an order of a subordinate judicial officer and feels inclined to animadvert on him. The wisdom of a Superior Judge itching for making observations on a Subordinate Judge before ventilating into expression must pause for a moment and read the counsel of Cardozo—*

"Write an opinion, and read it a few years later when it is dissected in the briefs of counsel. You will learn for the first time the limitations of the power of speech, or, if not those of speech in general, at all events your own. All sorts of gaps and obstacles and impediments will obtrude themselves before your gaze, as pitilessly manifest as the hazards on a golf course. Sometimes you will know that the fault is truly yours, in which event you can only smite your breast, and pray for deliverance thereafter."

(Essays on Jurisprudence, Columbia Law Review, 1963 at p. 315.)

9. *The courts do have power to express opinion, make observations and even offer criticism on the conduct of anyone coming within their gaze of judicial review but the question is one of impelling need, justification and propriety. The following observation by Sulaiman, J. in Panchanan Banerji v. Upendra Nath Bhattacharji [AIR 1927 All 193 : 27 Cri LJ 1407 : 25 All LJ 100] was cited with approval before this Court in Niranjan Patnaik v. Sashibhusan Kar [(1986) 2 SCC 569 : 1986 SCC (Cri) 196] : (SCC p. 576, para 23)*

"The High Court, as the Supreme Court of revision, must be deemed to have power to see that courts below do not unjustly and without any lawful excuse take away the character of a party or of a witness or of a counsel before it."

11. *A Subordinate Judge faced with disparaging and undeserving remarks made by a court of superior jurisdiction is not without any remedy. He may approach the High Court invoking its inherent jurisdiction seeking expunction of objectionable remarks which jurisdiction vests in the High Court by virtue of its being a court of record and possessing inherent powers as also the power of superintendence. The view is settled by the law laid down in Raghbir Saran (Dr) v. State of Bihar [AIR 1964 SC 1 : (1964) 2 SCR 336 : (1964) 1 Cri LJ 1] . However, if a similar relief is sought for against remarks or observations contained in judgment or order of the High Court the aggrieved judicial officer can, in exceptional cases, approach this Court also invoking its jurisdiction under Articles 136 and/or 142 of the Constitution. With the law laid down by this Court in Dr Raghbir Saran [AIR 1964 SC 1 : (1964) 2 SCR 336 : (1964) 1 Cri LJ 1] and the State of U.P. v. Mohd. Naim [AIR 1964 SC 703 : (1964) 2 SCR 363 : (1964) 1 Cri LJ 549] it is well-settled that the power to expunge remarks exists for redressing a kind of grievance for which the law does not provide any other remedy in express terms though it is*

an extraordinary power. Any passage from an order or judgment may be expunged or directed to be expunged subject to satisfying the following tests: (i) that the passage complained of is wholly irrelevant and unjustifiable; (ii) that its retention on the records will cause serious harm to the persons to whom it refers; (iii) that its expunction will not affect the reasons for the judgment or order.

12. Though the power to make remarks or observations is there but on being questioned, the exercise of power must withstand judicial scrutiny on the touchstone of following tests: (a) whether the party whose conduct is in question is before the court or has an opportunity of explaining or defending himself; (b) whether there is evidence on record bearing on that conduct justifying the remarks; and (c) whether it is necessary for the decision of the case, as an integral part thereof, to animadvert on that conduct. The overall test is that the criticism or observation must be judicial in nature and should not formally depart from sobriety, moderation and reserve (see Mohd. Naim [AIR 1964 SC 703 : (1964) 2 SCR 363 : (1964) 1 Cri LJ 549]).

16. We must not be understood as meaning that any conduct of a subordinate judicial officer unbecoming of him and demanding a rebuff should be simply overlooked. But there is an alternate safer and advisable course available to choose. The conduct of a judicial officer, unworthy of him, having come to the notice of a Judge of the High Court hearing a matter on the judicial side, the lis may be disposed of by pronouncing upon the merits thereof as found by him but avoiding in the judicial pronouncement criticism of, or observations on the "conduct" of the subordinate judicial officer who had decided the case under scrutiny. Simultaneously, but separately, in-office proceedings may be drawn up inviting attention of Hon'ble Chief Justice to the facts describing the conduct of the Subordinate Judge concerned by sending a confidential letter or note to the Chief Justice. It will thereafter be open to the Chief Justice to deal with the subordinate judicial officer either at his own level or through the Inspecting Judge or by placing the matter before the full court for its consideration. The action so taken would all be on the administrative side. The Subordinate Judge concerned would have an opportunity of clarifying his position or putting forth the circumstances under which he acted. He would not be condemned unheard and if the decision be adverse to him, it being on administrative side, he would have some remedy available to him under the law. He would not be rendered remediless.

17. The remarks made in a judicial order of the High Court against a member of subordinate judiciary even if expunged would not completely reconstitute and restore the harmed Judge from the loss of dignity and honour suffered by him. In Judges by David Pannick (Oxford University Press Publication, 1987) a wholesome practise finds a mention suggesting an appropriate course to be followed in such situations:

"Lord Hailsham explained that in a number of cases, although I seldom told the complainant that I had done so, I showed the complaint to the Judge concerned. I thought it good for him both to see what was being said about him from the other side of the court, and how perhaps a lapse of manners or a momentary impatience could undermine confidence in his decision."

19. Reverting back to the case at hand, may be that the learned Metropolitan Magistrate in initiating contempt proceedings and taking cognizance of substantive offences under the Penal Code, 1860 against the officials of Public Works Department was not properly advised or was at the worst indulging in a

misadventure and therefore to the extent of quashing of the proceedings by the High Court we may not find fault and certainly no one has come up to this Court complaining against the merits of that part of the order of the High Court by which criminal proceedings have been quashed. Nevertheless, the ill-advised move or misadventure of the learned Metropolitan Magistrate was neither a misconduct nor an outcome of malice. Though she acted in a way which did not meet the approval of the High Court, the facts and the circumstances of the case point out that her only desire was to make her courtroom functional. Probably she felt aggrieved, rather agitated, by the apathy of the Public Works Department people who were taking things too easy, unmindful of the practical difficulties faced by the Presiding Judge occupying the courtroom and discharging judicial functions. The fact remains that the observations were made by the High Court without affording the Metropolitan Magistrate an opportunity of explaining or defending herself. The remarks were not necessary for the decision of the case by the High Court as an integral part thereof. Animadverting on the conduct of the learned Metropolitan Magistrate was not a necessity for the exercise by the High Court of inherent power or the power of superintendence to quash the proceedings initiated by the learned Metropolitan Magistrate. Expunging of the remarks, as we propose to do, will not affect the reasons for the judgment of the High Court. On the other hand, the remarks have a potential to prejudice the career of the appellant. "

25. In the case of **Prakash Singh Teji (Supra)**, it has been again held by the Hon'ble Apex Court that judicial restraint and discipline are as necessary to the orderly administration of justice as they are to the effectiveness of the army. Paragraph-15, 16, 17, 20 and 22 of the judgment reads as follows:-

"15. In the light of the explanation, we also perused those relevant materials. As rightly highlighted and pointed out by Mr P.S. Patwalia, learned Senior Counsel for the appellant, in the facts and circumstances and the materials available, we are satisfied that the remarks/observations and the directions made in para 10 of the order dated 6-7-2006 [RFA No. 178 of 2006 dated 6-7-2006 (Del)] are not warranted.

16. Judicial restraint and discipline are as necessary to the orderly administration of justice as they are to the effectiveness of the army. As observed in A.M. Mathur v. Pramod Kumar Gupta [(1990) 2 SCC 533] , the duty of restraint, humility should be the constant theme of our Judges. This quality in decision-making is as much necessary for Judges to command respect as to protect the independence of the judiciary.

17. We are not undermining the ultimate decision of the High Court in remitting the matter to the trial court for fresh disposal. However, we are constrained to observe that the higher courts every day come across orders of the lower courts which are not justified either in law or in fact and modify them or set them aside. Our legal system acknowledges the fallibility of the Judges, hence it provides for appeals and revisions.

20. In the light of the above principles and in view of the explanation as stated by the appellant for commenting on the conduct of the plaintiff, we are satisfied that those observations and directions are not warranted. It is settled law that harsh or disparaging remarks are not to be made against persons and authorities whose conduct comes into consideration before courts of law unless it is really necessary for the decision of the case as an integral part thereof.

22. In the interest of justice and fairness, we expunge the offending remarks made against the appellant in para 10 of the impugned order of the High Court of Delhi, dated 6-7-2006 [RFA No. 178 of 2006 dated 6-7-2006 (Del)] . Since these appeals are confined only to expunging of the adverse remarks, the same are allowed. No costs. "

26. In the case of **Amar Pal Singh (Supra)** it has been held that derogatory remarks against a judicial officer would cause immense harm to him. Paragraph-27, 28, 29 of the aforesaid judgment reads as follows:-

"27. A Judge is required to maintain decorum and sanctity which are inherent in judicial discipline and restraint. A Judge functioning at any level has dignity in the eyes of public and credibility of the entire system is dependent on the use of dignified language and sustained restraint, moderation and sobriety. It is not to be forgotten that independence of the Judiciary has an inseparable and inseparable link with its credibility. Unwarranted comments on the judicial officer creates a dent in the said credibility and consequently leads to some kind of erosion and affects the conception of rule of law. The sanctity of decision-making process should not be confused with sitting on a pulpit and delivering sermons which defy decorum because it is obligatory on the part of the superior courts to take recourse to correctional measures. A reformative method can be taken recourse to on the administrative side.

28. It is condign to state that it should be paramount in the mind of a Judge of a superior court that a judicial officer projects the face of the judicial system and the independence of the Judiciary at the ground reality level and derogatory remarks against a judicial officer would cause immense harm to him individually (as the expunction of the remarks later on may not completely resuscitate his reputation) but also affects the credibility of the institution and corrodes the sacrosanctity of its zealously cherished philosophy. A Judge of a superior court however strongly he may feel about the unmerited and fallacious order passed by an officer, but is required to maintain sobriety, calmness, dispassionate reasoning and poised restraint. The concept of loco parentis has to take a foremost place in the mind to keep at bay any uncalled for or any unwarranted remarks.

29. Every Judge has to remind himself about the aforesaid principles and religiously adhere to them. In this regard it would not be out of place to sit in the time machine and dwell upon the sagacious saying of an eminent author who has said that there is a distinction between a man who has command over the "Shastras" and the other who knows it and puts it into practise. He who practises them can alone be called a "Vidvan". Though it was told in a different context yet the said principle can be taken recourse to, for one may know or be aware of that the use of intemperate language should be avoided in the judgments but while penning down the same the control over the language is forgotten and the acquired knowledge is not applied to the arena of practise. Or to put it differently, the knowledge stands still and is not verbalised into action. Therefore, a committed comprehensive endeavour has to be made to put the concept to practise so that it is concretised and fructified and the litigations of the present nature are avoided."

27. In the case of **Awni Kumar Upadhyay (Supra)** it has been held by the Hon'ble Apex Court that no adverse remarks can be made against any judicial officer without giving an opportunity to explain the conduct. Paragraphs- 9, 10 and 11 reads as follows:-

"9. It is settled legal position that no adverse remarks can be made against any judicial officer without giving an opportunity to explain the conduct. It is useful to refer a decision of this Court in *Parkash Singh Teji v. Northern India Goods Transport Co. (P) Ltd.* [(2009) 12 SCC 577 : (2010) 1 SCC (L&S) 160] which is identical to the case on hand. In the above decision, the directions of the High Court in its order dated 6-7-2006 read as under : (SCC p. 580, para 10)

"10. ... 'Before parting, we wish to make it clear that the learned Judge who passed the impugned judgment and decree need be careful in future, rather than adopting a hasty, slipshod and perfunctory approach as is manifest from the judgment delivered by him in this case. We further direct that a copy of this order shall be placed on the personal/service record of the officer, while another copy be placed before the Hon'ble Inspecting Judge of the officer for His Lordship's perusal.'"

According to the appellant, by making such remarks and that too behind his back, are not warranted. Here again, after adverting to the earlier decisions and principles enunciated therein, this Court expunged the offending remarks made against the appellant and allowed the appeal filed by him.

10. Apart from the above decision, in an identical circumstance, this Court has expunged adverse remarks made against a judicial officer in *Amar Pal Singh v. State of U.P.* [*Amar Pal Singh v. State of U.P.*, (2012) 6 SCC 491 : (2012) 3 SCC (Civ) 1013 : (2012) 3 SCC (Cri) 179 : (2012) 2 SCC (L&S) 271] :

10.1. The appellant therein, a judicial officer, being aggrieved by the comments and observations passed by the learned Single Judge of the High Court of Judicature of Allahabad in *Sunil Solanki v. State of U.P.* [Criminal Revision No. 1541 of 2007, order dated 31-5-2007 (All)] had preferred an appeal before this Court. In that case, one Sunil Solanki had filed an application under Section 156(3) of the Code of Criminal Procedure, 1973 before the Chief Judicial Magistrate, Bulandshahar with the allegation that on 11-2-2007 at 9.30 p.m. when he was standing outside the front door of his house along with some others, a marriage procession passed from in front of the door of his house and at that juncture, one Mauzzim Ali accosted him and eventually fired at him from his country-made pistol which caused injuries in the abdomen area of Shafeeque, one of his friends. However, he escaped unhurt. Because of the said occurrence, Sunil Solanki endeavoured hard to get the FIR registered at the police station concerned but the entire effort became an exercise in futility as a consequence of which he was compelled to knock at the doors of the learned Chief Judicial Magistrate by filing an application under Section 156(3) of the Code for issuance of a direction to the police to register an FIR and investigate the matter. While dealing with the application, the Chief Judicial Magistrate, the appellant in that appeal, ascribed certain reasons and dismissed the same.

10.2. Being dissatisfied, the complainant therein (Sunil Solanki) preferred a revision before the High Court and the learned Single Judge, taking note of the allegations made in the application, found that it was a fit case where the learned Magistrate should have directed the registration of FIR and investigation into the alleged offences. While recording such a conclusion, the learned Single Judge has made certain observations which are reproduced below:

"This conduct of the Chief Judicial Magistrate is deplorable and wholly mala

fide and illegal."

Thereafter, the learned Single Judge treated the order to be wholly hypothetical and commented it was:

"Vexatiously illegal."

After stating so the learned Single Judge further stated that the Chief Judicial Magistrate has committed a blatant error of law. Thereafter, he further commented:

"... and has done unpardonable injustice to the injured and the informant. His lack of sensitivity and utter callous attitude has left the accused of murderous assault to go scot-free to this day."

10.3. *After making the aforesaid observations, the learned Single Judge set aside the order and remitted the matter to the Chief Judicial Magistrate to decide the application afresh in accordance with law. Thereafter, he directed as follows:*

"Let a copy of this order be sent to the Administrative Judge, Bulandshahar to take appropriate action against the Chief Judicial Magistrate concerned as he deems fit."

Aggrieved by the said direction, the appellant in Amar Pal Singh case [Amar Pal Singh v. State of U.P., (2012) 6 SCC 491 : (2012) 3 SCC (Civ) 1013 : (2012) 3 SCC (Cri) 179 : (2012) 2 SCC (L&S) 271] approached this Court by way of a special leave petition to delete the aforesaid comments, observations and the ultimate direction.

10.4. *After referring to all the various earlier decisions of this Court on this point, this Court in Amar Pal Singh case [Amar Pal Singh v. State of U.P., (2012) 6 SCC 491 : (2012) 3 SCC (Civ) 1013 : (2012) 3 SCC (Cri) 179 : (2012) 2 SCC (L&S) 271] expunged the remarks and set aside the said observation/comments and the direction made against the judicial officer. This Court also directed that if the said remarks have been entered into the annual confidential roll of the judicial officer, the same shall stand expunged and also marked a copy of the judgment to the Registrar General of the High Court, Allahabad to be placed on the personal file of the judicial officer concerned.*

11. *It is made clear that we are not undermining the ultimate decision of the High Court on merits. However, we are constrained to observe that the higher courts every day come across orders of the lower courts which are not justified either in law or in fact and modify them or set them aside. Our legal system acknowledges the fallibility of the Judges, hence it provides appeals and revisions. Inasmuch as the lower judicial officers mostly work under a charged atmosphere and are constantly under psychological pressure and they do not have the facilities which are available in the higher courts, we are of the view that the remarks/observations and strictures are to be avoided particularly if the officer has no occasion to put forth his reasonings. Further, if the passage complained of is wholly irrelevant and unjustifiable and its retention on the records will cause serious harm to the persons to whom it refers and its expunction will not affect the reasons for the judgment or order, request for expunging those remarks are to be allowed. We, once again, reiterate that*

harsh or disparaging remarks are not to be made against judicial officers and authorities whose conduct comes into consideration before the courts of law unless it is really for the decision of the case as an integral part thereof. "

28. In the case of **K.G. Shanti (Supra)**, it has been again held by the Hon'ble Apex Court that using of strong language should not be used by the appellate forum against the judicial officer. Paragraphs-5 to 9 of the aforesaid judgment reads as follows:-

"5. We are in agreement with the learned counsel for the appellant that the appellant cannot be condemned unheard. We must notice at the threshold that the language used is extremely strong and the court should be circumspect in using such language while penning down its order qua judicial officers. We really cannot appreciate the use of this language, whatever may have been the conduct of the appellant.

6. It was in any case open to the Division Bench, if it found that the impugned judgment of the Tribunal had grave errors which casts some doubt on the performance of the officer, to direct the matter to be taken on the administrative side in which case notice would have been issued to the appellant to explain her conduct and she would have got an opportunity to put forth her point of view and then it would have been open on the administrative side, if so advised to whether to take some action or not.

7. We may note that the aspect of remarks against subordinate judicial officers and the process for expunging such adverse remarks have formed part of more than one opinion of this Court stating that the power to expunge remarks exists for redressal of a kind of grievance for which law does not provide any other remedy in express terms though it is an extraordinary power ['K', a Judicial Officer, In re, (2001) 3 SCC 54] .

8. We may also note that what we have said aforesaid on the language to be deployed has also been opined upon as the overall test of any criticism or observations must be judicial in nature and should not formally depart from sobriety, moderation and reserve [State of U.P. v. Mohd. Naim, (1964) 2 SCR 363 : AIR 1964 SC 703 : (1964) 1 Cri LJ 549] . It has been categorically laid down that there cannot be an adverse remark made against a judicial officer without first giving an opportunity to the judicial officer to explain his conduct [Awani Kumar Upadhyay v. High Court of Allahabad, (2013) 12 SCC 392 : (2014) 1 SCC (Civ) 476 : (2014) 1 SCC (Cri) 686 : (2014) 2 SCC (L&S) 581] . In that context, in fact it has been observed that while our legal system acknowledges the fallibility of the Judges and thus, provides for appeals and revisions, the lower judicial officers mostly work under charged atmosphere and are under psychological pressure and do not have the facilities which are available in the High Court. This, in the given facts of the case, is more so when in the impugned judgment [United India Insurance Co. Ltd. v. Nagamma, 2020 SCC OnLine Kar 2746] itself it has been found that it is not surprising that when there are concerted efforts by the interested witnesses and the devious claimants, it may become difficult for the Court to get to the bottom of the truth.

9. The result of the aforesaid is that the observations impugned [United India Insurance Co. Ltd. v. Nagamma, 2020 SCC OnLine Kar 2746] in paras 13

and 16 extracted aforesaid are set aside but giving liberty to the High Court that if it really thinks that there are serious aspects arising in respect of the manner of passing of the judgment by the Tribunal, it will not preclude the High Court on the administrative side from issuing a notice to the judicial officer and taking appropriate decision after giving her an opportunity to put forth her stand. "

29. In the case of **Sonu Agnihotri (Supra)** it has been held by the Hon'ble Apex Court that the courts have to show restraint, and adverse comments on the personal conduct and calibre of the Judicial Officer should be avoided. The relevant paragraphs of the aforesaid judgment reads as follows:-

"15. The Courts higher in the judicial hierarchy are invested with appellate or revisional jurisdiction to correct the errors committed by the courts that are judicially subordinate to it. The High Court has jurisdiction under Article 227 of the Constitution of India and Section 482 of the CrPC to correct the errors committed by the courts which are judicially subordinate to it. We must hasten to add that no court can be called a "subordinate court". Here, we refer to "subordinate" courts only in the context of appellate, revisional or supervisory jurisdiction. The superior courts exercising such powers can set aside erroneous orders and expunge uncalled and unwarranted observations. While doing so, the superior courts can legitimately criticise the orders passed by the Trial Courts or the Appellate Courts by giving reasons. There can be criticism of the errors committed, in some cases, by using strong language. However, such observations must always be in the context of errors in the impugned orders. While doing so, the courts have to show restraint, and adverse comments on the personal conduct and calibre of the Judicial Officer should be avoided. There is a difference between criticising erroneous orders and criticising a Judicial Officer. The first part is permissible. The second category of criticism should best be avoided. The reasons are already explained by this Court in Re:'K', A Judicial Officer³. There are five reasons given in paragraph 15 of the decision why judicial officers should not be condemned unheard. As observed in the decision, the High Court Judges, after noticing improper conduct on the part of the Judicial Officer, can always invite the attention of the Chief Justice on the administrative side to such conduct. Whenever action is proposed against a judicial officer on the administrative side, he gets the full opportunity to clarify and explain his position. But if such personal adverse observations are made in a judgment, the Judicial Officer's career gets adversely affected.

16. The Judges are human beings. All human beings are prone to committing mistakes. To err is human. Almost all courts in our country are overburdened. In the year 2002, in the case of "All India Judges' Association (3) v. Union of India"⁷, this Court passed an order directing that within five years, an endeavour should be made to increase the judge-to-population ratio in our trial judiciary to 50 per million. However, till the year 2024, we have not even reached the ratio of 25 per million. Meanwhile, the population and litigation have substantially increased. The Judges have to work under stress. As stated earlier, every Judge, irrespective of his post and status, is likely to commit errors. In a given case, after writing several sound judgments, a judge may commit an error in one judgment due to the pressure of work or otherwise. As stated earlier, the higher court can always correct the error. However, while doing so, if strictures are passed personally against a Judicial Officer, it causes prejudice to the Judicial Officer, apart from the embarrassment involved. We must remember that when we sit in constitutional courts, even we

are prone to making mistakes. Therefore, personal criticism of Judges or recording findings on the conduct of Judges in judgments must be avoided.

17. We have already referred to the observations made in paragraphs 13 and 14 of the first impugned order. In paragraph 13, it is observed that the appellant 'embarked on an inexorable quest'. This ought to have been avoided by the High Court. Paragraph 14 contains advice to the appellant to be circumspect and to exercise care and caution in future. The High Court could not have used a judgment on the judicial side to advise individual Judicial Officers. That can only be done on the administrative side in an appropriate case. Describing the appellant's approach as a 'judicial misadventure' in paragraph 14 was also improper. Therefore, the prayer made by the appellant for expunging remarks in paragraphs 13 and 14, which we have quoted in paragraph no. 6 above, will have to be acceded to. We make it clear that the direction to expunge the remarks made against the appellant will not bind the administrative side of the High Court."

30. Very recently, the Hon'ble Supreme Court in the case of Kaushal Singh Vs. State of Rajasthan (SLP (Crl.) No(s).2254 of 2025 decided on 18.07.2025 has held that strictures should not be passed against a Judicial Officer without providing any notice or opportunity of hearing to him. The relevant portion of the judgement reads as follows:-

20. Furthermore, in the present case, the fact remains that the strictures and/or the scathing observations were made by the learned Single Judge of the High Court to the detriment of the appellant Judicial Officer without providing him any opportunity of explanation or showing cause. ...

21. In this background, we are of the firm opinion that the strictures passed by the High Court against the appellant-Judicial Officer were uncalled for and hence, the same are expunged. The impugned order is modified to that extent.

31. From perusal of the aforesaid it is clear that observations were made against the petitioner in both the aforesaid appeals without giving him opportunity. It is also clear that the aforesaid orders would undoubtedly, effect the career of the petitioner.

32. In this view of the matter, I hold that adverse remarks made against the petitioner were neither justified nor called for. In the interest of justice and fairness, I expunge the offending remarks made against the petitioner in Appeal No.1040 of 2023 decided on 09.05.2025 and in Appeal No.318 of 2024 decided on 29.04.2025 and or on the relevant portion of which has already been quoted above.

33. Writ Petition is **allowed**. No order as to costs.

(Prakash Padia,J.)

August 13, 2025
Swati