



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 10003/2025

Suo Moto

-----Petitioner

Versus

1. The State of Rajasthan, through Chief Secretary, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
2. Additional Chief Secretary-Cum-Finance Secretary, Department of Finance, Secretariat, Jaipur (Rajasthan).
3. Secretary, Department of Personnel, Government of Rajasthan.
4. Principal Secretary, Law and Legal Affairs Department, Government of Rajasthan, Secretariat, Jaipur (Rajasthan).
5. Member Secretary, Rajasthan State Legal Services Authority.

-----Respondents

For Petitioner(s)	:	Mr. Manish Sisodia, Sr. Advocate- Amicus Curiae with Mr. Deepesh Birla, Advocate Mr. Harshvardhan Rathore, Advocate
For Respondent(s)	:	Mr. Rajesh Panwar, AAG with Mr. Ayush Gehlot, Advocate Mr. Mahaveer Bishnoi, AAG with Mr. Harshvardhan Singh, Advocate

HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

15/05/2025

Let the affidavit dated 15th May 2025 be placed on record.

2. On 13th May 2025, this Court took suo moto cognizance of the newspaper report concerning non-functioning of 16 Permanent Lok Adalats. It is recorded in the order dated 13th May 2025 that such situation of non-functioning of Permanent Lok Adalats has arisen on account of the Government's decision dated 09th April 2025.



3. An affidavit has been filed in compliance of the direction issued by this Court on 13th May 2025 but it is highly unsatisfactory.

4. Mr. Rajesh Panwar, the learned Senior Counsel and Additional Advocate General appears for the respondent no.4 and states that he has received instructions from the Principal Secretary, Law and Legal Affairs Department, Government of Rajasthan.

5. Mr. Manish Sisodia, the learned Senior Counsel who has been requested by this Court to assist the Court criticizes the manner in which the affidavit dated 15th May 2025 came to be filed. The learned *Amicus Curiae* submits that not only the affidavit is quite cryptic and does not contain any statement regarding the order dated 09th April 2025, even a copy of the said order has not been produced on record.

6. Mr. Sandeep Pathak, the learned counsel appearing for the respondent no.5 tenders a bunch of communications/orders which contains two orders both dated 9th April 2025. There is a communication dated 19th November 2024 from the Rajasthan State Legal Services Authority through which a proposal for extension of tenure of 21 members of Permanent Lok Adalats in 17 districts was forwarded to the respondent no.4. There is another communication of even date which refers to Rule 4(2) of the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Amendment Rules, 2016. Through this communication, it was brought to the notice of the respondent no.4 that the Chairman and other Members of the Permanent Lok Adalats shall hold office for a term of 5 years or till the age of 65 years, whichever is earlier.



7. Mr. Manish Shishodia, the learned *Amicus Curiae* submits that the expression 'shall' used in Sub-Rule 2 to Rule 4 clearly demonstrates the legislative intention that irrespective of initial appointment being made for a period of 1 year or 2 years the Chairman and other Members of the Permanent Lok Adalats shall continue for a term of 5 years or till the age of 65 years whichever is earlier provided their performance has been satisfactory and they are not disqualified or removed under Rule 5.

8. Mr Rajesh Panwar, the learned Senior Counsel and Additional Advocate General is seeking time to file a detailed affidavit with relevant records.

9. Therefore, we adjourn the hearing of this matter for 22nd May 2025 with a caution to the respondent no.4 to remain alive to his duty to file proper and complete affidavit in the High Court. The respondent no.4 shall file his own personal affidavit giving all necessary details and specifically indicating why tenure of the Chairman and the Members of the Lok Adalats cannot be extended as per Rule 4(2) of the Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and Other Persons) Amendment Rules, 2016.

10. On 22nd May 2025, the respondent no.4 shall remain physically present in the Court with all relevant records pertaining to appointment, extension and refusal to grant extension to the Permanent Members of the Permanent Lok Adalats.

(SANDEEP SHAH),J

(SHREE CHANDRASHEKHAR),J

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