

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.18893 of 2015

Date of Decision: 08.11.2019

Rajender Kumar

...Petitioner

Vs.

Punjab and Haryana High Court, Chandigarh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sandeep Lather, Advocate for
Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Raman B. Garg, Advocate
for respondent Nos. 1 and 2.

Mr. Kshitij Sharma, Advocate
for respondent Nos. 3 and 4.

Mr. Amit Singla, Advocate
for respondent No.5

RAJIV NARAIN RAINA, J.

1. Perused the minutes of the meeting and the resolution of the Hon'ble Departmental Promotion and Recruitment Committee dated 29.10.2019. The Committee on due consideration of the matter following the observations made by this Court in the order dated 14.02.2018 is prepared to offer appointment to the petitioner by creating a supernumerary post or by diverting a vacant post from direct recruitment quota in his reserve category. This indication is acceptable to the Court to translate into the desired relief.

2. The text of the resolution of the Hon'ble Committee passed on 29.10.2019 against Item No.1 is reproduced below:

“Meeting note perused. It has been resolved by the committee that the advocate be informed to apprise the Court that in case any relief is to be granted by the Hon'ble Court to petitioner – Rajinder Kumar, a supernumerary post would be created or a vacant post available for direct recruitment would be diverted in his reserved quota. However, in the light of two other writ petitions bearing CWP Nos.14753 and 20141 of 2018, claiming similar relief, prayer may be made for grant of more time to examine the issue in detail and if need be to pass a speaking order in the light of e-mail received from Shri Arshdeep Bhuller, Advocate, as under:

“Sir, it is stated that the above said writ petition came up for hearing on 20.09.2019 for compliance of orders dated 14.02.2018. When the minutes of meeting of the committee were produced before the Court, the court requested to pass a speaking order regarding the same and in case the same is not done by the next date of hearing, then the matter will proceed on merits. This is for your information for further processes, if any.”

3. The interim order dated 14.02.2018 is reproduced in running paragraph 7 in the sequential order of narration of relevant facts at the appropriate stage of reasoning. That order set this case in forward motion leaning on the side of the petitioner for good measure to culminate in this order.

4. I am constrained to record with some indignation from the reading of the e-mail from counsel extracted and reproduced in the resolution that the minutes of the meeting were not produced before me at any time before the date of final hearing on 08.11.2019. If the letter

suggests that the minutes were produced on 20.09.2019 it is not possible to produce something which is not in existence. My interim order dated 20.09.2019 mentioned in the proceedings of the Committee dated 29.10.2019 is reproduced below:

“Learned counsel for the respondents prays for and is granted time to take instructions.

List this matter on 01.10.2019.

It is made clear that no further adjournment will be given. In case, instructions are not received by them on the next date of hearing, the case will be decided on merits and in the light of the interim orders starting 14.02.2018.

On request, CWP-18893-2015 is segregated from the bunch of CWP-14753 and 20141-2018 to be listed on the same day, but will be heard one after the other.

Photocopy of this order be placed on the files of other connected matters.”

5. I could have concluded the case resting on the resolution as far as the petitioner is concerned, but I have felt it necessary to record my reasons on why I think the petition should be allowed on merits. Those reasons go beyond the confines of the interim order dated 14.02.2018 on which the resolution is based, to dwell on the alleged mistakes committed by the petitioner in the shorthand and transcription test, when at least two of them were actually not spelling mistakes. For those office errors made by the examiners, he deserved two marks to be deducted from the tally of mistakes bringing him in the select list of 20 from 22 and within the 4% ignorable mistakes from a dictation of 500 words. Non-adherence to the criteria adopted is one part as identified in the interim order of 14.02.2018 which set the ball rolling, but there is more to the case as revealed in the final hearing leading to the forming of opinion in passing of this order. It

is the alleged mistakes which have occupied my attention on this material facet beyond the interim order dated 14.02.2018 to bring relief to the petitioner to prevent injustice to him.

6. A word on the fate of CWPs 14753 and 20141 of 2018 mentioned in the proceedings of the Committee is necessary. They stand dismissed by separate orders dictated in Court on 08.11.2019 after hearing the parties declining relief in both of them. That was on the ground of delay and laches and upon the bar of limitation coming in because the selection of the year 2014 was challenged in 2018 after inordinate and unexplained delay. While the present petitioner was prompt in approaching Court to nurse his grouse and for the vindication of his rights.

7. Turning to the facts of the present case I find this petition relates to the selection of Senior Scale Stenographers made by the High Court in the year 2014, in terms of Rule 14(1) of the High Court Establishment (Appointment and Conditions of Services) Rules, 1973. The petitioner was a candidate at the selection. When this matter came up for hearing on 14.02.2018, this Court on hearing learned counsel for the parties crystallized the issue as then seen presented for determination by passing the following order:

“Matter relates to selection and appointment to the post of Senior Scale Stenographer. Petitioner and private respondents are candidates for selection and appointment to the post of Senior Scale Stenographer. For the purpose of evaluation of candidates' dictation note, official respondents have evolved criteria on 25.04.2014. Relevant criteria for the purpose of present case is item (d) and (e) which read as under:-

“d) Misspelling, including transposition of letters in a word and also omission of a letter or letters from a word. However, misspelling of proper nouns and unfamiliar names are ignored.

e) Wrong use of capital or small letters at the beginning of the sentence.”

Whereas, petitioner has been provided under RTI Act information relating to his evaluation with reference to dictation note wherein he is stated to have committed 3 mistakes which are at Sr. No.6, 8 and 17 which have been treated as mistakes, which would be contrary to the aforesaid criteria. Learned counsel for the selecting and appointing authority submitted that uniformly, above criteria of clause (d) and (e) have been applied for the purpose of selection and appointment of 26 candidates for the post of Senior Scale Stenographer to the extent of ignoring such mistakes. Since selecting authority has not adhered to the criteria formulated on 25.04.2014 by the Committee in particularly (d) and (e), the entire selection is required to be re-done. In other words, re-evaluation of dictation note taken by each of the candidate other than selected and appointed candidates also which would result in administrative chaos. If it is to be adhered some of the candidates may be ousted and some of the candidates are likely to be selected. In order to overcome the aforesaid situation, learned counsel for the selecting and appointing authority is hereby directed to consider name of the petitioner for selection and appointment to the post of Senior Scale Stenographer from the date contesting respondents were selected and appointed on notional basis. If the post of Senior Scale Stenographer is not available, in that event whether could they create a supernumerary post and accommodate the petitioner, on this issue learned counsel for the official respondents is hereby directed to get instructions, by the next date of hearing.”

8. The criteria adopted for evaluating the mistakes in shorthand-

cum-transcription test was as per Rule 14 of High Court Establishment (Appointment and Conditions of Services) Rules, 1973 prescribing that no candidate shall be considered to have qualified the Shorthand-cum-Typing Test if he commits more than 4% mistakes. In the present case, the dictation test comprised of 500 words. Therefore, any candidate who commits more than 20 mistakes shall be deemed to have failed to qualify the test.

9. The petitioner is a reserved category candidate, and was a contestant for the post for which the minimum permissible mistakes as set in the criteria was 20 in number. He was shown as having committed 22 mistakes and was not selected. A candidate was required to take down dictation at the speed of 100 words per minute in English shorthand dictation and then to transcribe the same on the computer at the speed of 20 words per minute. The petitioner impugns 5 of those mistakes stating that what he typed was correct, asserting that what he did was right. A tabulation of the dictated words in dispute and what was typed by the petitioner in the test sheet as per the criteria the number of mistakes committed is mentioned in paragraph No.13 of the petition and the same is reproduced below in tabular form for ready reference:

Sr. No.	Correct dictated word as per respondent in the shorthand-cum-typing test	Word actually written by the petitioner	Number of mistakes counted
1.	Kumaun	Kumaon	1
2.	Pandey	pandey	1
3.	Om Prakash	Om Parkash	1
4.	Inquiry	enquiry	1
5.	Om Parkash	Om parkash	1
	Total number of mistakes		5

10. Learned counsel for the petitioner argues that the words (proper nouns) spelt in lower case first letter of 'pandey' and 'parkash' cannot be termed as mistakes because the guidelines issued by the respondents provide that wrong use of capital or small letters at the beginning of the sentences shall be treated as mistakes. Literally interpreted, this does not cover mistakes in the lower case "p" occurring mid-sentence although the rules of grammar dictate that all names of persons have to start with the upper case or capital letter, but the High Court should have been more thoughtful in wording the fault rule to cover the situation arising in this case. The rule cannot be rewritten. Marks were deducted for these 5 mistake. **Are we to count** them or not in the face of the inadequately drafted condition has to be judged. I agree with the counsel for the High Court that these two mistakes are such which should not have been committed by a person who is already working as Stenographer Grade-III in the subordinate courts. In future tests to be conducted, this situation can be avoided by bringing greater clarity in the guidelines. In fact the condition laid down providing that wrong use of capital or small letters at the beginning of the sentences shall be treated mistakes, is a rule which need not have been incorporated at all because it introduces the obvious and allows room for an argument that use of lower case in the middle of a sentence was not spelled out in the guidelines to be a mistake counted beyond 4% allowed, even when the upper case for the first letter in the beginning of a sentence and use capital letter for a pronoun mid-sentence are fundamental rules of grammar. However, even if these two repeated mistakes are fatal and to be counted, the petitioner

still has a case on merit on revised score as explained further in the order.

11. To begin with the name of the place/region 'Kumaun' was typed by the petitioner as 'Kumaon' which cannot be counted as a mistake or as the spelling error of the name of the region in Uttarakhand and thus cannot stand in the way of the petitioner who has typed the word in the manner well accepted and in vogue in the official websites of the State of Uttarakhand and of the departments of the State Government. The Net easily informs us of this. Hence, the petitioner scores on this point and a mark has to be added to his credit in the score card. As a piece of advice to the examiners the 500 words should avoid proper nouns or names of cities, towns, villages, zillas, tehsils or police stations or names of persons, things and animals. What is the use of them in a dictation test to establish careers in stenography in the establishment, may I ask?

12. The next so called mistake is dealt with hereafter. As far as the spelling of the word 'inquiry' and 'enquiry' is concerned, the . from the score. I have no doubt in my mind at all that the examiners were not completely right in considering the spelling by the petitioner as a mistake. The spelling is a rather complex issue where two different spellings of the word can be used differently when used in different contexts. Let me explain with the help of Roget's Thesaurus of English Words and Phrases, a standard book on usage of words and is therefore, commended to be sounder than dictionaries as it deals with how words are to be used in a sentence, while the dictionary is a wordbook or collection of words to know the meaning of a word. The word 'inquiry' and 'enquiry' are nouns as well as verbs depending on the context in which they are used and both

fall in the same group in paragraph “484.”, page 315 [Roget’s International Thesaurus] where both the spellings and the word is used almost interchangeably to mean search, quest, interrogation, test, trial, quiz and many more shades of meaning but in the same category. The Thesaurus clubs them together. The Oxford Dictionary of English defines ‘inquiry’ as “another term for enquiry”. Our statutes contain legislation including ‘The Public Servants (Inquiries) Act, 1850’, ‘Commissions of Inquiry Act, 1952’ etc. For a layman (English not being our native language) or a person of ordinary intelligence and ordinary skill in the foreign language an allowance has to be made in favour of the petitioner who is certainly not a Wren & Martin man. Judgments are replete with the two words starting with “i” or “e” used interchangeably. I must frankly admit that the context in which the word ‘inquiry’ was dictated as part of a legal passage, the preferable spelling may be ‘inquiry’. The sentence dictated was “...and directing the Magistrate to make further [inquiry] into the matter”. The petitioner typed ‘enquiry’. This was counted as a mistake. To the ear both the words sound the same. It was after all a dictation test and not an essay writing competition. Be that as it may, the subtle nuances of the two spellings to hold one or the other as right or wrong may not be the correct approach in the matter of selection of stenos, as it expects too much from persons like the petitioner to expect them to know the feel of the English language in all its complexities and shades of meaning and usages. I would not deduct marks for this spelling error because one might find a plethora of instances in High Court judgments, including mine, where the spellings have got mixed up inadvertently or by oversight or consciously. The fine distinction between

the two spellings of the same word is not an easy one to discern for the uninitiated in the nuances of complex English language. As explained by etymologists the difference is like this: “The traditional distinction between the verbs ‘enquire’ and ‘inquire’ is that enquire is to be used for general senses of 'ask', while inquire is reserved for uses meaning 'make a formal investigation’”. In practice, enquire or enquiries are more common in British English; and inquire and inquiry are more common in US English, for both informal questions and formal investigations. At the cost of repetition, the word is both a noun and a verb depending on the context in which it is employed. I think it is too high a standard to set and expect from the petitioner and his ilk. We need testing in Indian English and not US or UK English and that too in routine and in common English used every day in Court and in its establishment.

13. Of the 5 mistakes pointed out against the petitioner by the examiner, two of them are found in his favour which would change his result. The rest of them are wrong but the two identified can change his score card to success, that is, the words ‘Kumaon’ and ‘enquiry’ for which he deserves one mark each deducted from his mistakes counted by the examiner. This would bring the total mistakes of the petitioner to 20 within 4% permissible mistakes, which happens to be minimum cut off in the examination. The last selected candidate in the reserved category committed 20 mistakes.

14. This Court is thus convinced that relief must be granted to the petitioner, *ex facie* by deducting his alleged mistakes by 2 counting them as error free thereby reducing the total from 22 to 20 for the words

‘Kumaon’ and ‘enquiry’ which brings him indisputably within the range of the select list.

15. Accordingly, this petition is allowed. The respondents are directed to consider the petitioner for appointment as Senior Scale Stenographer in the reserved category within a month from the date of availability of the order in certified copy.

16. In the result, the seniority position of the petitioner will be fixed at the end of the select list 2014. If the list exceeds the advertised number, the petitioner will be adjusted on a supernumerary post or by diverting a vacancy/post from direct quota in reserved category without disturbing the rights of third parties in the same batch who are not before the Court. The petitioner will be entitled to pay and allowances from the date he joins the High Court establishment as a result of this order on the post of Senior Scale Stenographer. Sequitur, he would be entitled as a right based on his merit in the reserved category to the benefit of ante-dated seniority and pay fixation with benefit of notional increments granted with effect from the date when the last candidate was selected and appointed in order to bring the group on par in the matter of salary and allowances. His name shall be placed at the end of the batch without disturbing any of the batch mates to be.

17. However, no other candidate from the selection process-2014 of the subject category post will be permitted to litigate after the date of dismissal of CWPs 14753 and 20141 of 2018 seeking re-evaluation or change of score claiming appointment to the post of Senior Scale Stenographer after a passage of over five years of the selection process

becoming a dead ball. Their rights, if any, stand extinguished by efflux of time and bar of limitation freezing in repose. After all, the petitioner has been agitating for a declaration of his rights since 2015 by approaching this Court for relief without any delay.

18. In the result, the petition is allowed in the above terms.

19. However, before parting with this order, I thought it fit to record the following addendum for the consideration of the High Court on its administrative side as suggestions for improving the system, within and beyond the scope of the petition:

Addendum

1. I had called for the records of the transcription test of the selected candidates to see whether there were any apparent errors of the examiners in their work for which the candidates may deserve higher or lower marks than the mistakes counted. I have spent time on the transcripts and without naming any candidate I found cases of 6 or 7 of them who deserved a better score than was counted. I shan't name the persons to avoid any administrative chaos after 5 years of the selection process resulting in appointments, as that might tend to alter the inter se merit of the batch and consequentially their settled seniority positions. This has become the basis of this addendum for the Court on its administrative side to consider establishing a protocol or working plan or guidelines for the future so that such litigation does not come to the fore on the judicial side of the Court which might embarrass the institution, an institution which is the fountainhead of justice. Therefore, I have penned down my random thoughts as they came with a view to improve the

criterion of selection to stenographers who form the backbone of delivery of judgments authored by the Judges and put in public domain. There may be many more constructive ideas and suggestions which discussion might throw up and may need to be put in place.

2. I was informed by office staff I had called in chambers with the record of selection to explain the methodology of the selection procedure. I was told that the transcripts were first run through computer software to pick up the mistakes, which exercise was accompanied by physical checking of transcription sheets of the candidates. The first step of the process of evaluation of mistakes through the eyes of the computer is a good beginning given the large number of applicants that had to be dealt with. I found that the dictation test consisting of 500 words was taken from past judgments of Courts. I do not know whether they were extracted from reported or unreported judgments. But what has troubled me is that the original texts from where the extracts were taken are not on record for anyone to match their typed copies with their originals from where the text was read out in the examination centre. This is a serious flaw in the selection process in the maintenance of record. In such a situation, it would be impossible to cross-check in case of a dispute. I do hope at least the case numbers, title and citations from where the text was read are traceable. These should be maintained on record to face a writ of certiorari, in the event of litigation.

3. There could be accidental mistakes committed inadvertently by the officials typing the extract from the original published judgments and orders to be put at the test. The best thing would be to read out

directly from the photocopy of the published judgment which has been selected for the test, with the signature of the person who read it out to candidates. This will eliminate possibility of mistakes and facilitate judicial review of administrative action. A case in point is the word Kumaon in Rajinder Kumar's case. In the typed text which was read out to the candidates, the spelling is "Kumaun". I don't have the benefit of the certified copies of the original but this spelling mistake is there in the text dictated which the petitioner has written correctly. If the mistake in spelling is there in the original judgment the mistake is incurable. I called for the typed texts, the original not available, from where the dictation was given. They are five extracts from judgments, one for each batch. With great respect to the authors I say that except for one, all contain accidental mistakes, not of spelling but grammar, punctuation, use of upper and lower case, missing articles and joining words and at least two incomplete sentences. Choice of extracts should not be left to office staff alone even in the matter of selection for the dictation test.

4. The Hon'ble Committee must guard against such errors and choose the finest text for the test. The original text must necessarily be retained in office record for any future reference. The selection of judgments must be such as would test multiple skills in using the 14 punctuation marks in the English language, when English is the language of the High Court and its subordinate courts. For instance, the accurate use of full stops, commas, colons, semi colons, question marks, the apostrophes, the dash and the hyphens etc. The search for talent has to be in selecting the best from amongst those who apply.

5. The examiners or the software, distinguishing between US or American English and UK English should not be left to the sole discretion of the office staff deputed for the purpose. The last view should to seek from an outside expert in linguistics well versed with English spelling and grammar. An expert can be requested from the languages department of the Panjab University or college lecturer in English from one of the local colleges on payment basis. These may include people such as Ms. Ratna Raman and Ms. Sharda Kaushik who write the column “Mind your Language” in The Tribune.

6. Help of experts can be taken in the beginning as well in selecting the material to be used for the dictation from judgments which bring out the flavor of the language with attention to punctuation marks. The dictation should not be left solely to the office staff. Those most fluent in spoken Indian English in the establishment can be deputed to dictate at the examination center. The process of dictation may be video graphed to record the voice of the person dictating the text which can always be played back, when required.

7. The criteria of selection of stenographers needs to be revisited, recast and redefined with sufficient precision for which help of language experts may be taken to standardize the test to bring out the best. After all, none of us are experts in the foreign language. My judgments also contain mistakes. It hurts, but I can’t rewrite them. Therefore, I commend creating a stock of the finest judgments in simple, straight and grammatical English such as the experts may choose comprising 500 words to make from the huge pile available in case law publications or

unreported judgments from which the chosen ones and their extracts to be read out are free from grammatical, punctuation and spelling errors. Proper nouns and names of places, things etc. are avoided.

8. I was informed that different dictation-shorthand cum transcription tests were conducted batch-wise with different texts for every group of examinees. This procedure is alright. I, however feel that a single test of 500 words is not sufficient to rest a career on. There should be two tests of 500 words each dictated in the morning and in the afternoon session on the same day and the average of both the tests could go to make the final tally, or it may be wiser to choose the better of the two results. Either method if adopted would I think, be fair to all and would take care of any initial hesitation, nervousness, fear and anxiety an examination brings with it in the first round and bring out more ease among the candidates in the second round. Two is always better than one effort in the search of merit and aptitude. Every person needs a second chance in life and to err is human. A result of a single test is unforgiving as there is no scope for a repeat performance. Quite possibly the increased workload such a criterion may involve, would justify the end result and bring up more meritorious candidates, given that a large amount of money is reaped from selling application forms. It would be a creative experiment worth trying at least once to see the catch, if it is any better. The odds are that this may bring in a better stock of stenographers to the establishment. No person would be left to a single chance or for them to nurse a grouse. Presumption of *fairness-in-action* is the constitutional mandate to be espoused. One should not under-estimate anyone. If the

two stage test is found feasible, then perhaps, the first one should be simpler than the second [as the simpler one was followed in the present selection process] but the second one should be tougher with a wider range of slightly more difficult words and spellings of the level and standards one might expect in the best Government schools and colleges. Candidates once selected and appointed, for them refresher courses may be introduced for upgrading their English language skills and dictation speed to be tested periodically as explained further down.

9. Great care should be taken to select the person/s who speak out the passage in the examination hall. They must speak with the correct inflection and clarity with the appropriate pauses between sentences. English spoken badly would lead to misleading results. Shorthand is taken by the ear. Each sound has a symbol. This may not be left to the office staff unless they fit the bill and instead professionals may be engaged.

10. In addition to the Shorthand-cum-Typing test, the respondent should also consider the feasibility of conducting an objective type for an average English grammar and vocabulary test either before or on the same day. Better would it be to hold the test to start with for short listing candidates for the shorthand and transcription/typing examination, for which a minimum benchmark may be prescribed, of at least say 50% to 75% correct answers to about 100 or 150 questions. It could also serve as a tie breaker in case two or more candidates score equally. To this end, the services of experts may be requisitioned to prepare modules for the language test. This test I think should be made fundamental component of the selection process as it would help in bringing out the best talent.

11. Our entire system of judgment delivery depends on capable stenographers. Needless to say, that when stenos are competent and have command over English for dictation work, judicial output increases proportionally. With the bad ones sitting in court for dictation such a lot of precious time is spent by judges tirelessly making corrections in orders and judgments at the end the day, which effort with a good steno in attendance brings efficiency to the Bench.

12. Apart from the above, the High Court can consider introducing/starting a “Crash Course Programme” for the newly inducted Senior Scale Stenographers/Judgments Writers as well as the interested existing Senior Scale Stenographers/Judgments Writers/ Private Secretaries/ Secretaries/Special Secretaries to sharpen their skills. For the newly inducted staff, the Crash Course/Programme may be for a period of one month or a week or two after appointment and/or as the Hon’ble Committee thinks fit. Fresh recruits, who have no clue of how court work need breathing time in the beginning to adjust, familiarize and acclimatize themselves to their new work environment for a week or so on joining. Thereafter, they should be put through the Crash Court/Programme on day-to-day basis on all working days including working Saturday/s.

13. To organize a Crash Course, a team consisting of Special Secretary (Stenography Line)/ Special Secretary (Reader Line)/Deputy Registrar can be formed, who will inform the newly inducted staff regarding the demands of working in a judicial system as well as the working of the Court proceedings.

14. For English Classes/lessons, the services of an expert teacher

may be requisitioned on payment basis. These may be chosen from amongst members of the College Cadre (English) drawn from Government Colleges in the Tricity with permission from their parent Department. The Hon'ble Committee may consider name/s of such persons through invitation sent to the respective DPI (College Cadre).

15. The services of counsel from the Mediation Cell may also be requisitioned to teach practical subjects involving day-to-day work of the High Court proceedings.

16. In the Crash Course the candidate/s should be acquainted with the procedure how to excess bare Acts; find Sections/Articles/Rules/Regulation/Byelaws and the use of legal software. They should be acquainted with the bare provisions of Articles 226 & 227 of the Constitution and the relevant provisions of the Code of Civil Procedure, 1908 and Code of Criminal Procedure, 1973, and the Special Acts which form the basis of litigation in the High Court. For this, services of Teachers deputed in the Chandigarh Judicial Academy may also be requisitioned to take time out for such work which may not be more than an hour a day.

17. Senior officers/officials of the establishment may be chosen to take classes on formatting proformas in everyday use; font size & style; the use of the capital letter for "Petitioner" and "Respondent" in the array of parties in judgments; putting no more than 3 full stops before the petitioner/respondent in the title of the judgment (for example "...Petitioner/s"); use of upper and lower case in the description of parties; how to write citations of judgments in the manner described by

the publisher, for example (2019) 1 SCC 1 and not 2019 (1) SCC 1; AIR 2019 SC 1 and not 2019 (AIR) SC 1; proper use of the full stop, comma, colon, semi colon, hyphens etc. Again, for instance, at the top of the order/judgment the 'High Court' is called '**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**' and not '**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH**'. This would bring uniformity. Someone has to tell them all this and more in the beginning before their work is faulted. Services of an expert be requisitioned from outside to help in making a module in this regard, which can be shown by way of slides for playing back before the fresh recruits attending the learning programme and the existing staff in higher posts. These are not difficult things to learn provided there is someone to teach and I expect that the candidate/s will learn rapidly and avoid mistakes which become an irritation to the Hon'ble Benches. This will also bring uniformity in the justice delivery system.

18. Nowadays, most of the orders/judgments are printed on 'Thorndale' font, but in the computer/s supplied by the High Court especially 'Dell', there is no 'Thorndale' font. If the computer systems do not include the specific font version, the Committee can think for replacing the same with any other font or adopt some other way introduced in the existing computers for which help from NIC can be taken.

19. Most importantly, the Crash Course/Learning Programme for the newly inducted candidates should include information about the Court working i.e. information regarding filing of a fresh case; its listing &

processing; category of cases in which a case falls etc, with which they are likely to deal with in the years ahead. They should be taught the basics regarding court proceedings, such as, issuance of notice/summons; receiving of reply/replication; process in which cases are taken up; acquaintance with the cause-lists, Notes in the cause list which may be specially ordered by the Hon'ble Judge on the working of his board/roster. They must know the format in which petitions, appeals etc. are filed normally; accompanying documents; certification by Advocates on copies true to the original or true to the Photostat, as the case may be/ written statements/replies; replications etc; filing of affidavits/additional affidavits. They should be acquainted with different types of vakalatnamas/resolutions in support of petitions when filed by juristic persons; a clue on basics of maintainability of petitions and other things that the High Court may like to device. No doubt, some of these things are not relating to them, but I think knowledge of these things will sharpen their skills and to be acquainted with how the system works like a beehive. This may even inspire them to give off their best in the performance of their duties. This is not an exhaustive list, but an illustrative one in making modules. The rest will come by experience as they go up the ladder to shoulder duties and responsibilities of the higher post increasing the efficiency of the administration in the years to come.

20. There should be a continuing English language learning programme introduced to refresh both direct recruits and existing staff in all the categories of posts for improving their cognitive skills to be used every day in Court. Spelling and Meaning of Latin maxims usually used by courts in judgments and to put them in italics if they occur; which can

be made easily available to them in a hand-out from the Judges' Library. They should be acquainted with the word 'ORAL' against the name of the Coram Judge, whether to be used or not, as instructed by the Hon'ble Benches to their staff. One doesn't expect and elaborate judgment running into more pages than one can dictate in court rendered orally.

21. After the Crash Course is conducted for one month, for the next two weeks, the batch should be taken to different branches of the High Court, where the respective Superintendents will inform them about the working of that branch, so that they are acquainted with the working of the specific branch and the innards of the establishment. Thorough knowledge is not required of the working system, but only working knowledge with each branch to improve their functioning and to help in the long way in the present and the future for the betterment of the institution.

22. Additionally, those of the staff who are required to make hand-written notes on the noting sheet/s of the case file and numbering of pages on petitions/written-statements/replication etc. and in the Index must be those officials who have the best hand-writing so that it is easily readable by the Bench and whenever they are called upon to make a hand-written entry in the Memo of Parties under the directions of the Court. I have often found it difficult to read the scribbles on the noting sheets on the judicial file and this causes confusion and delay on the dais. This is, in case, the office noting sheet is not typed. Typing on a running office note sheet on the judicial file may be impractical and therefore, the necessity of written office notes should be in clear hand. It is from there we get to know whether the parties have been served and the reason of

non-service.

23. They should be taught periodically about protocol in a hierarchy and to whom they can correspond talk or write, to whom they can speak directly or desist from doing so in the chain of command. A new entrant has probably not seen the working of the Court and knows nothing about this decorum. It is better to introduce him to such things in the beginning

24. If fresh inductions are not in-sight today, the relevant programme/s to enhance skills of the existing staff could be started on half yearly or yearly basis before their next promotions. These should not be read as lessons in theory, but practical lessons on the real working of the Court and gain by hands-on experience. The idea is to foster the scientific temper and the spirit of enquiry and reform in the employees as guided by our Constitution.

25. They should be given at least a few lessons on morals and ethics by a Moral Educator to tone them to keep away from temptation and respect seniors.

26. These are long term measures, but they should be started. “The best time to plant a dream was twenty years ago. The second-best time is now” goes an old Chinese proverb I read somewhere and thought it fits so appropriately across many manpower and policy decisions taken and many more to be taken by the High Court in the interest of the establishment.

27. To start with, first of all a cell called ‘Training Cell’ should be created in the High Court whose work will be to make a digital hand-

out dictionary of English words and phrases which occur regularly in judgments and orders in this Court at least for the last 10 years of which they are not acquainted and compile them for distribution amongst the newly inducted/freshly appointed Senior Scale Stenographers/Judgment Writers and it should be the duty of this Cell to take periodical test of employees of these two categories of direct recruits by dictating to them the judgments preferably on working Saturday(s) and make a report to the In-charge of the Special Secretaries' Section of the progress made by them from time to time. The test sheets should be retained for at least a year for review by the superior authority for progress made by them or by the Committee of Hon'ble Judges. These periodic tests may be conducted till their first promotion and the cumulative result of the tests be made part of the criteria for promotion for which a bench mark may be prescribed. This will keep them on their feet and encourage them to work hard for promotion and help them develop the desired levels of efficiency required by the Hon'ble Judges and in the establishment.

28. This type of in-house training programme should continue till the desired efficiency is achieved and certified fit for discontinuation. For them the frequency of tests may be reduced or done away with. For instance, if the candidate is up to the mark and motivated in his work he need not be put through this grinding mill. It will be for him to carry on with the programme at his option. Grading may be done for this purpose under the supervision and control of a Hon'ble Committee on laid down parameters.

29. Notwithstanding anything said, the addendum to this

judgment will not be treated as judicial directions. It is only meant for the consideration of the High Court on its administrative side for considering streamlining the system, to which end, the addendum is remitted to the Registrar General for appropriate action, as thought fit to be taken by the High Court.

29. The file has already been closed at paragraph 18 (supra) as far as the petitioner is concerned. However, for the purposes of carrying forward the thought processes in the addendum, the case is adjourned to 21.01.2020 for the Registrar General to share the views of the administration with the Court of the proposed steps likely to be taken. Or to inform, that after deliberations, no changes are advised or are required to be made in the existing set up, on which the remaining file shall be closed.

08.11.2019
kv/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : *Yes*
Whether reportable : *Yes*