

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7830 OF 2024

Kiran Ramesh Shinde	.. Petitioner
Vs.	
State of Maharashtra & Ors.	.. Respondent

**WITH
WRIT PETITION NO.7831 OF 2024**

Devdas Kerba Chougule	.. Petitioner
Vs.	
State of Maharashtra & Ors.	.. Respondent

Ms. Pavitra Manesh for the Petitioner.

Mrs. Tanu N. Bhatia AGP for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 14th FEBRUARY, 2025.**

P. C.:-

1) In furtherance of Order dated 7th February, 2025 the Registrar (Legal and Research) has submitted his report dated 13th February, 2025 in a sealed envelope. The envelope is opened in the Court. The report dated 13th February, 2025 is taken on record.

1.1) In paragraph 5, it is stated in the report as under :-

“5. The Labour and Industrial Courts are Courts subordinate to the High Court and are amenable to its ‘control’ under Article 235 of the Constitution of India ...”

2) In the above context, the learned Registrar referred to “Maharashtra Judicial Officers of the Labour Courts and Industrial Courts (Recruitment, Appointment and Disciplinary Action) Rules, 2014. Further, reference was made to the following decisions :-

- (i) *State of Gujarat Vs. Ramesh Chandra Mashruwala*¹
- (ii) *Laxmikant Dhal & Ors. Vs. State of Orissa & Ors.*²
- (iii) *R. M. Gurjar & Anr Vs. High Court of Gujarat & Ors.*³
- (iv) *Renu & Ors. Vs. District & Sessions Judge, Tis Hazari Court, Delhi & Anr.*⁴

2.1) Looking at the question raised, it would be apt to reproduce paragraph 23 of the decision in *Renu & Ors.* (supra) which reads :-

“23. Article 235 of the Constitution provides for power of the High Court to exercise complete administrative control over the subordinate courts. This control, undoubtedly, extends to all functionaries attached to the subordinate courts including the ministerial staff and servants in the establishment of the subordinate courts. If the administrative control cannot be exercised over the administrative and ministerial staff i.e. if the High Court would be denuded of its powers of control over the other administrative functionaries and ministerial staff of the District Court and subordinate courts other than judicial officers, then the purpose of superintendence provided therein would stand frustrated and such an interpretation would be wholly destructive to the harmonious, efficient and effective

1 (1977) 2 SCC 12

2 (1988) (Supp.) SCC 504

3 (1992) 4 SCC 10

4 (2014) 14 SCC 50

working of the subordinate courts. The courts are institutions or an organism where all the limbs complete the whole system of courts and when the constitutional provision is of such wide amplitude to cover both the courts and persons belonging to the judicial office, there would be no reason to exclude the other limbs of the courts, namely, administrative functionaries and ministerial staff of its establishment from the scope of control. Such control is exclusive in nature, comprehensive in extent and effective in operation. ...”

2.2) In view of the aforesaid pronouncements, the report states that, ‘control’ under Article 235 of the Constitution of India, would also extend to the ministerial staff of the Courts subordinate to the High Courts and would not be limited to Judicial Officers. Respondent No.3 i.e. the Registrar of Industrial Court would accordingly come within the purview of ‘control’ envisaged under Article 235 of the Constitution of India.

2.3) In view thereof, we deem it appropriate that, the State Government issues clear instructions to their dealing department as to the exclusive control of the High Court as envisaged under Article 235 of the Constitution of India over the functioning of the Co-operative Court, Co-operative Appellate Court, Labour Court, Industrial Court, School Tribunal, Motor Accident Claims Tribunal etc..

2.4) Copy of this Order be sent to the Chief Secretary and the Registrar General of the High Court for doing the needful in the light of our observations hereinabove.

- 3) It is thus clear that, the High Court Administration is having control over Respondent Nos.2 and 3.
- 4) Stand over to 21st February, 2025.
- 5) To be listed under the caption “*for admission*”.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)