RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 17702/2026
CNR: RJHC020860302026 | URN: CW / 37020U / 2026

Rajasthan High Court
सत्यमेव जयते
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Kavita Bhati Wife Of Mr. Vijender Singh, Aged About 43 Years, Resident Of 19, Suraj Nagar, Maharana Pratap Marg, Jaipur-302034

----Petitioner

Versus

1. The Commissioner, Navodaya Vidyalaya Samiti, B-15, Institutional Area, Sector 62, Noida, Gautam Budh Nagar, Uttar Pradesh-201309.
2. The Assistant Commissioner (Est-II), Navodaya Vidyalaya Samiti, Regional Office, B-15, Institutional Area, Sector-62, Noida, Gautam Budh Nagar, Uttar Pradesh - 201309.
3. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, Sector-5, Shanti Nagar, Shipra Path, Mansarovar, Behind Metro Mass Hospital, Jaipur Rajasthan-302020.

----Respondents/Non-Applicants

4. Vijaypal Saini S/o Sh. Jagdish Prasad Saini, Aged About 56 Years, R/o Police Ka Mohalla, Chhawani, Neem Ka Thana, District-Sikar-332713, Working As Electrician Cum Plumber (Ecp) In Nvs Sikar. (Group-C)

----Respondent/Original Applicant

For Petitioner(s)	:	Mr. Sunil Samdaria
For Respondent(s)	:	Mr. L.M. Bhardwaj Mr. Rameshwar Prasad Sharma

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HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE SAMEER JAIN

Order

19/11/2026

1. This writ petition has been filed by the petitioner against the impugned order dated 25.08.2026 passed by the learned Central Administrative Tribunal, Jaipur, (hereinafter to be referred to as,

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'the learned Tribunal') by which certain observations have been made with regard to the petitioner, who was appearing for the applicant therein as counsel before the learned Tribunal and a cost of Rs.7000/- has been imposed upon the petitioner.

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2. Learned counsel for the petitioner has invited our attention to the impugned order dated 25.08.2026 passed by the learned Tribunal, submitting that no response would be required from the respondents and pointing out that the comment in the impugned order has been made with regard to petitioner, who was appearing for the applicant therein before the learned Tribunal; holding her to have committed a misconduct and directing her to deposit a cost of Rs. 7,000/-.

3. The learned counsel for the petitioner, in this regard, has relied upon the decision of the Hon'ble Apex Court in the matter of **Neeraj Garg vs Sarita Rani and Ors.,[1],** wherein it has been observed in para Nos. 15 to 18 as under:-

> "15. While it is of fundamental importance in the realm of administration of justice to allow the judges to discharge their functions freely and fearlessly and without interference by anyone, it is equally important for the judges to be exercising restraint and avoid unnecessary remarks on the conduct of the counsel which may have no bearing on the adjudication of the dispute before the Court.
>
> 16. Having perused the offending comments recorded in the High Court judgments, we feel that those could have been avoided as they were unnecessary for deciding the disputes. Moreover, they appear to be based on the personal perception of the learned Judge. It is also apparent that the learned Judge did not, before recording the adverse comments, give any opportunity to the appellant to put forth his explanation. The remarks so recorded have cast

1 (2021) 9 SCC 92

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aspersion on the professional integrity of the appellant. Such condemnation of the Counsel, without giving him an opportunity of being heard would be a negation of the principles of audi alteram partem. The requisite degree of restraint and sobriety expected in such situations is also found to be missing in the offending comments.

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17. The tenor of the remarks recorded against the appellant will not only demean him amongst his professional colleagues but may also adversely impact his professional career. If the comments remain unexpunged in the court judgments, it will be a cross that the Appellant will have to bear, all his life. To allow him to suffer thus, would in our view be prejudicial and unjust.

18. In view of the forgoing, we are of the considered opinion that the offending remarks recorded by the learned judge against the appellant should not have been recorded in the manner it was done. The appellant whose professional conduct was questioned, was not provided any opportunity to explain his conduct or defend himself. The comments were also unnecessary for the decision of the Court. It is accordingly held that the offending remarks should be recalled to avoid any future harm to the appellant's reputation or his work as a member of the Bar. We therefore order expunction of the extracted remarks in paragraphs 4,5,6, and 7 of this judgment. The appeals are accordingly disposed of with this order."

4. In view of the principles of law laid down by the Hon'ble Apex Court and in view of the facts insisting, the conduct of the counsel cannot be said to be misconduct as it was always open for the counsel appearing for the parties to make submissions and it was open for the learned Tribunal to allow/reject the prayer as it was so inclined to.

5. We are of the opinion that the observations made in para No. 4 in the impugned order dated 25.08.2026, including the cost of Rs.7000/-, deserve to be set aside.

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6. Accordingly, the present writ petition is allowed and para No. 4 of the impugned order dated 25.08.2026, including the cost of Rs.7000/- is set aside as the remarks so recorded have cast aspersion on the professional integrity of the petitioner.

7. Pending applications, if any, stand disposed.

(SAMEER JAIN),J (SANJAY K. AGRAWAL),CJ

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