

*vinita***IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 396 OF 2024**

1. The North Goa (Non-Gazetted)  
Judicial Court Employees Association,  
A Society duly registered under  
the Societies Registration Act, 1860,  
Through its President,  
Mrs. Santana Menezes Fernandes,  
Wife of Mr. Cruz Vozi Fernandes,  
About 56 years in age,  
Indian National,  
Resident of Panaji, Goa, 403002.

2. Mrs. Santana Menezes Fernandes,  
Wife of Mr. Cruz Vozi Fernandes,  
About 56 years in age, Indian  
National, Resident of Panaji,  
Goa, 403002.

... Petitioners

Versus

1. State of Goa, through  
the Chief Secretary,  
Having office at Secretariat,  
Porvorim, Goa.
2. Secretary of Law,  
Having office at Secretariat,  
Porvorim, Goa.
3. General Administration  
Department, Through its  
Secretary, Having office at  
Secretariat, Porvorim, Goa.

4. Goa State Infrastructure  
Development Corporation Ltd.  
Having office at 7<sup>th</sup> Floor,  
EDC House, Dr. A. B.  
Road, Panaji, Goa. .... Respondents.

Mr Jatin Ramaiya and Mr Omkar Thakur, Mr Omkar Parab,  
Advocates for the petitioners.

Mr Devidas Pangam, Advocate General with Ms Maria Corriea,  
Addl. Govt. Advocate for respondent nos.1 to 4.

**CORAM:- BHARATI DANGRE &  
NIVEDITA P. MEHTA, JJ.**

**Date :- 11<sup>th</sup> August 2025**

**JUDGMENT** (*PER BHARATI DANGRE, J*).

1. Rule.

Rule is made returnable forthwith with the consent of  
the learned counsel for the parties.

The learned Addl. Govt. Advocate waives notice on behalf  
of respondents.

2. The Writ Petition filed by the North Goa (Non Gazetted)  
Judicial Court Employees Association, a Society/Association  
of the employees of the Establishment of the District and  
Sessions Court, North Goa and Subordinate Courts, has

invoked the writ jurisdiction under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, or any other appropriate writ or direction against the respondents to provide air conditioning facilities to the employees working at the new District and Sessions Court and Subordinate Courts Building at Mercas, Tiswadi and particularly the area/offices of the employees of the judicial establishment in a time bound manner.

The respondents to the petition are the Chief Secretary of the State of Goa, the Secretary of Law, the Secretary of General Administration Department of State of Goa and Goa State Infrastructure Development Corporation Limited (GSIDC).

3. Heard the learned counsel Mr Jatin Ramaiya for the petitioners and the learned Advocate General Mr Devidas Pangam, along with learned Addl. Govt. Advocate Ms Maria Correia, for respondent nos.1 to 4.

The petitioner no.1 is an Association of Judicial Court Employees, with various ranks of employees being its members including the Chief Administrative Officer, Court Manager, Superintendent/Protocol Officer, Clerk,

Stenographer, Nazir, Accountant, Bailiff, Havildar, Peon, Liftman, Watchman etc.

The Petitioner no.1 Association plead that it has over 452 members and it is approaching the Court being concerned with the lack of basic infrastructure in the new District and Sessions Court and Subordinate Courts building at Merces.

Petitioner no. 1 is a duly registered Society/Association whereas petitioner no. 2 is the President of petitioner no.1 and working in the capacity of Superintendent at the new building of the District and Sessions Court.

4. Petitioner no.1, is stated to be formed to promote and protect the welfare of its members and its Memorandum of Association, specifically highlight its object, being to promote such activities conducive to the welfare of its members and to promote the spirit of cooperation and common brotherhood among the members. In addition, one of its objective is also to safeguard and promote the collective and individual interests of its members and to represent their legitimate grievances to ensure justice.

It is this objective of the petitioner no.1's Association which

has prompted it through petitioner no.2 to approach this Court.

5. The petition involve a complex which houses the North Goa District and Subordinate Court, a modern structure complex conceptualized as an infrastructural marvel, designed with world class facilities, including ultra-modern infrastructure, with an object that it remains at the forefront of facilitating the administration of justice in a rapidly evolving legal landscape. The new complex is a technologically advanced building and houses virtual Courtrooms with digital facilities, e-seva Kendra, encouraging digital case management and e-filing systems.

The petitioner no.1 Association, which comprise of the non-gazetted staff working in the said building, are aggrieved by not making a provision for air conditioner in the area of their working places/offices and the counsel for the petitioners would submit that if the Courtrooms are supplied with air conditioners for providing better working conditions, the members of petitioner no.1 Association who are also a part of the whole system, as the Court is being run through them,

cannot be denied the said benefit and if it is done so, it is discriminatory.

6. The petitioners have relied upon the correspondence/ representation preferred to the Principal District and Sessions Judge requesting for a centralised air conditioning facility for the staff in the new Court complex, and the request being made at least to provide tower air conditioners for their better work performance.

The grievance in the petition is that none of the respondents paid any heed to their request and when the Principal District and Sessions Judge, addressed a communication to the Managing Director, GSIDC and suggested for procuring additional transformer so as to bear the additional load of tower air conditioner to be provided in the offices and to ensure that the said additional transformers provide sufficient scope for future expansions, to avoid any inconvenience, the letter was met with a rejection by GSIDC on 4.3.2024, informing that it is not possible to augment the present capacity with a bigger transformer.

7. The petition has received response from the Under

Secretary (Establishments) Law and Judiciary Department, Government of Goa, through an affidavit dated 8.4.2025. It is stated therein that vide communication dated 23.7.2024 addressed by the Department of Law and Judiciary, it was conveyed to the Principal District & Sessions Judge, and that the proposal for providing air conditioners was placed before Government but it was not accepted.

The deponent of the affidavit place reliance upon the file noting of the decision-making process, and it is stated that a well-considered decision was taken, which refused the facility and did not accept the proposal for providing the air conditioners

8. The communication dated 23.7.2024, being brought on record, petitioner no.2 filed an additional affidavit, alleging that there is a shift in the stand of the State Government as initially, feasibility was raised as an issue, but now it is financial constraints/consideration which has been projected as an excuse to deny the facility.

The rejoinder affidavit categorically states that the facility had been extended to other stakeholders within the

same Court complex including the Judicial Officers, Advocates (Bar Rooms), office of the Public Prosecutors, VIP Lounges and various administrative chambers but denial of such facility to judicial employees who are an integral part of the justice delivery system, amounts to discrimination and definitely cannot be sustained as it amount to exclusion of a class of occupiers of the building though all the stakeholders working in the building are entitled for identical environmental conditions.

9. The respondent no. 4, Managing Director of GSIDC has also filed an affidavit stating that work of construction of the new District and Sessions Court complex at Merces was awarded to the contractor M/s M. Venkata Rao Infra Projects Pvt Ltd and work of interior and furniture was awarded to M/s Godrej & Boyce Mfg. Co. Ltd. It is informed that the building was inaugurated on 19.10.2024 and the Courts started functioning from 10.3.2025.

The affidavit proceeds to state that there exists a defect liability period of three years from the issuance of the completion certificate, during which the contractor has to



rectify any fault, and the said certificate has been issued on 17.9.2024.

A very interesting reason is cited in paragraphs 5 and 6, which read the following:-

*“5. I say that in the event the proposal of providing air conditioning to the balance areas of the Merces Building is considered, then the civil works to execute the said work will include the breaking open of the false ceiling as well as dismantling of light fixtures, smoke detectors, speakers and making cutouts in the wall for passage of copper pipes and cables/ wires. In terms of the contract, in the event such changes are affected to the building, the Defects liability period which is otherwise binding on the contractor will no longer bind the contractor.*

*6. Therefore, any liability of the contractor towards the defects in the construction of the building can be shrugged off by the Contractor in light of the subsequent alterations done to the building in the name of installation of the air conditioning facility, resulting in severe prejudice to the Respondents. I say that in the absence of breaking open the false ceiling as well as dismantling of light fixtures, smoke detectors, speakers and making cut outs in the wall for*

*passage of copper pipes and cables/ wires, it is not possible to execute the said works of installation of air conditioning facilities.”*

10. Apart from the above, it is also suggested that installation of tower AC is not feasible as it requires an outdoor unit and the same has to be connected through copper pipes, drain pipes and control cables, which will have to be placed on the floor to maintain necessary slope, drain piping but this would hinder the movement of public, including the people with disabilities. Further, it is also tried to suggest that installation of a tower AC would require carrying out civil work, which is difficult at this stage. Another reason given in the affidavit is to be found in paragraph 11, which reads thus:-

*“11. Further, in the event along with proposal 1 for the Mercedes building the work of providing air conditioning to the balance area of the Mercedes Building is considered, then the time period for the execution of the work i.e. from the procurement of the material to the installation and commissioning of the air conditioning facilities would take around 7 months. For the purpose of the execution of the works and from a safety point*

*of view, the spaces which are to be air conditioned as well as several other connected rooms will have to be completely cordoned off and shut down for a duration of 2 months i.e. the time duration required for the purpose of installation and commissioning of the air conditioning facilities. Therefore, there would be a complete disruption of the Court functioning.”*

11. The affidavit further state that changing 11 KV installation to 33 KV installation will lead to wasteful/avoidable expenditure to the tune of 1.65 crores as the earlier installation would become redundant and the installation of 33 KV equipment would lead to additional expenditure of 5.5 crores, 4 crores for providing AC in the room and this would take up the total expenditure to 12.00 crores.

By citing all possible reasons, the affidavit conclude by stating that relief granted in the petition will result in the staff of every other Courts complex in the State of Goa, making a similar request.

It is not only the financial aspect but also the technical aspect which deserve the consideration before the request of

the petitioners' Association is to be considered, is the bottom line of the affidavit.

12. Judicial note can be taken of the fact that the new District and Sessions Court complex at Mercas came to be inaugurated by the Hon'ble the Chief Justice of India on 19.10.2024, and pursuant thereto, the District and Sessions Court, North Goa and Civil and Criminal Courts in Panaji functioning from Lyceum complex were shifted in the new complex and became functional from 10.3.2025.

The new complex to house the District and Sessions Court is technologically advanced and has been described by the news report "O Heraldo" dated 1.3.2025 as 'State of art building' with a built up area of 34,967 sq.mt.

The building with huge parking is a stilt plus five floors RCC frame structure.

The complex houses Court halls, Judges' chambers, library for Advocates, chamber for Advocates, as it is the seat for dispensation of justice. It is worth to note that, for running the Courts, for the justice dispensation system, not only the Judges and the lawyers form an integral part but there is huge

lot of supporting staff, which is integral part of this system and this include the clerical staff, Superintendents, Accountants, Court manager, Administrative Officer, Stenographers/typists, Sheristedar etc. As the petitioner no.1's Association is said to be comprised of 452 members, holding various posts and who also occupy the very same complex which has the Court and the Judges' chambers. It is with the assistance of this staff, the Court carry its functioning and is able to conduct proceedings and deliver the ultimate end product, i.e. justice. It is no doubt true that the lawyers and the litigants are part of this system and therefore apart from the Court and Judges' chambers, which are provided air conditioning, even the rooms (bar rooms), which are used by the Advocates as well as the room used by the Public Prosecutors who represent the prosecution as well as Government and who are allotted the distinct work places are provided with air conditioning facility.

It is this facility which the petitioners claim for its members as it is contended by them that suitable working environment, which has been provided for Judges, Advocates

who are integral part of the system must also be extended to the petitioners who are also the part of the very same system so as to enable them to carry out their work in a supportive, productive and healthy environment.

13. The goal of the Indian Constitution is to secure to all its citizens justice, social, economic and political and also equality of status and opportunity.

The directive principles of State policy, as enshrined in Part IV of the Constitution, cast a duty on the State to promote the welfare of people by securing and protecting as effectively as it may be a social order, in which justice, social, economic and political shall be attained.

Sub clause (2) of Article 38 also directs that the State, in particular, shall strive to minimize the inequalities in income and endeavour to eliminate inequalities in Status, Facilities and Opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Article 42 of Part IV also directs the State to make provision for securing Just and Humane conditions of work.

14. In the constitutional framework, the judiciary which is one of the most important organs of the State, and is entrusted the function as a guardian of the Constitution, as it interprets and protects the Constitution and ensure that the laws and the executive action aligns with the constitutional mandate. Apart from this, the judiciary also safeguard the fundamental rights, offering remedies when rights of citizens are infringed.

The judiciary in Indian democracy serves as a pillar, which upholds the Constitution and ensure justice, equality and liberty for all its citizens. Its primary function being protection of rights of citizens by adjudicating their disputes, resulting into dispensation of justice, for those who feel wronged owing to alleged violations of their rights. Judiciary stands as a firm protector of the rights of the people as the Constitution itself provide a remedy to a citizen of protection of his right or when the citizen face threat to his right and in such case the judiciary is tasked with protection of this right of a person irrespective of a status, strata of the society to which he belongs. Judiciary, is thus a medium for a person to seek access to justice and it acts as a defender of justice and

protector of Rule of Law.

It is with this specific function of administration of justice being assigned to the judiciary, the constitution contains provisions for the establishment of the High Courts and the Subordinate Courts, by setting out its jurisdiction and functions, including establishment of the Subordinate Courts.

15. In order to impart justice, it is necessary for the Courts to be armed with the necessary infrastructure, including the buildings, so that it can function at its optimum level and competently discharge its function as the protector of the rights of the citizens. It calls for a provision for adequate infrastructure, which shall go a long way in enhancing its functioning and improve the productivity of the justice delivery system and this aspect is time and again focused upon and in ***All India Judges v. Union of India***<sup>1</sup>, the Apex Court reiterated it in the following words:-

*“3. A sound infrastructure is the linchpin of a strong and stable judicial system. The responsibility for securing justice to the citizenry of our country rests upon the judiciary which*

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<sup>1</sup> (2018) 17 SCC 555



*makes it imperative upon the State to provide the judicial wing the requisite infrastructure commensurate with the constitutional obligation of the judiciary. It needs to be understood that without a robust infrastructure, the judiciary would not be able to function at its optimum level and, in turn, would fail to deliver the desired results. While emphasising the importance of judicial infrastructure, the Court in All India Judges Assn. v. Union of India [All India Judges Assn. v. Union of India, (2010) 14 SCC 705 : (2011) 2 SCC (L&S) 613] has observed : (SCC p. 705, para 1)*

*“1. Justice delivery system is the bedrock of the rule of law, which is held to be the basic structure of the Constitution and it is our view that, in the absence of adequate judicial infrastructure, particularly for the subordinate courts, it would not be possible to sustain rule of law in this country. It is true that courts do not generally issue directions in financial matters, however, we are of the view that court fees, costs and fines constitute what is called “measure” of what is spent on judicial infrastructure. This would be in consonance of doctrine of proportionality, which is the facet of doctrine of reasonableness under the Constitution. The Rule of Law assures the*

*citizen of an effective civil and criminal justice system and judicial infrastructure is the cornerstone of justice delivery system without which the Rule of Law in this Court would fail.”*  
(emphasis supplied)

16. The maintenance of adequate infrastructure standards in the Court complexes is identified as the need of the hour, it being the basic requirement of the Court, for its effective functioning. With the onerous task of dispensing prompt and effective justice to the litigants who knock its door, the Courts necessarily require a robust infrastructure and this does not only mean the hollow Courtrooms but also includes the manpower and the surroundings in which the manpower shall discharge its function, to improve the productivity of the justice delivery system.

The judicial infrastructure would necessarily cover the availability of facilities, amenities, utilities and access oriented features in all Court complexes and is not restricted only to the two stake holders, i.e. lawyers and the litigants and further does not only restrict itself to the Court building, furniture, fixtures but would also cover the facilities which are made

available in the Court for a litigant, members of the bar and the system shall not forget the staff which coordinate it and make it ready for dispensation of justice.

When we speak of “Court” what immediately comes to a person's mind is the Courtroom, the Judge occupying the Courtroom, a lawyer presenting his case in the Courtroom and the litigant awaiting adjudication of his case in the Courtroom but one often tends to forget about the support staff of the Court which stands as a solid bedrock for the Judge to discharge his function in the Courtroom. This include the stenographers, the clerks, the peons attached to the Court and the other staff which is the part of the Court infrastructure including Accounts section, the Administration section which is occupied by Registrar through his officers, the office of the Superintendent, Court officers, Nazir, the Record Room, Section relating to certified copies, the staff entrusted with preparing the files for the Court including the removal of office objection and registration of the cases and now with digitization, the staff assigned the job of scanning, uploading of cases/orders etc. Apart from this there exists a separate

wing for Legal Services Authority which is an integral part of the Court.

17. The aforesaid staff, though at times work behind the four walls of the Courtroom, they are an essential part of the justice delivery system as it will be difficult for the Courts to function and run its system in absence of this ground working staff. They form an integral part of the judicial system and are as important as those who are on the forefront and considered to be the face of the system i.e. the Judges, lawyers and the litigants.

18. When we speak of availability of basic amenities in the Court which extends to adequate sitting space for the litigants, public, a comfortable working atmosphere for the lawyers, sufficient waiting area with sitting arrangement for the clients, it will also involve proper lighting and electricity, functional air conditioning, air cooling, heating, accessibility to clean drinking water with clean and hygienic washrooms, arrangements for differently abled persons, availability of canteen/ kiosk for basic facilities like water, beverages, food. In absence of the aforesaid, the Court complexes, would

become stressful places, instead they are expected to be conducive and friendly and workable places with work comfort.

19. By this time, providing adequate infrastructure for Court complexes has received apt attention from the Government as technologically advanced super structures are provided for housing the Courts, which are armed with a facility like Video Conferencing and now some Courts are also extending the facility of live streaming and it has become a necessity of the day as video conferencing provides prompt connectivity to jails and has taken off huge burden of the Magistrates and other Courts which are dealing with remand.

One thing is clear that judicial infrastructure has been focused on by the Government for a considerable period of time and this has resulted into modern and well-structured buildings coming into existence as the Government has felt obligated to fulfill its goal of providing access to justice and is committed for its realization.

20. It is the duty of the Government to provide to its citizens such judicial infrastructure and means of access to justice, so

that every citizen is able to receive expeditious, inexpensive and fair trial and every citizen is able to exercise his fundamental right to have access to justice and right to speedy justice as enshrined in Article 21 of the Constitution. This right can be effectively availed by providing adequate number of Courtrooms with the necessary infrastructure warranted for litigants, Judges, members of the bar and also the supporting staff of the Court.

21. Time and again, the Higher Courts have identified the need for making provisions for supportive infrastructure and in no uncertain words have highlighted that financial constraint can be no excuse to avoid performance of Constitutional duty of the Court. At this juncture, we deem it appropriate to make the reference to the decision of the Apex Court in the case of ***Brij Mohan Lal v. Union of India***<sup>2</sup>, as the Court observed thus:-

*“136. However, as far as functioning of the courts i.e. dispensation of justice by the courts is concerned, the Government has no control over the courts. Further, in relation to matters of*

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<sup>2</sup> (2012) 6 SCC 502

*appointments to the judicial services of the States and even to the higher judiciary in the country, the Government has some say, however, the finances of the judiciary are entirely under the control of the State. It is obvious that these controls should be minimised to maintain the independence of the judiciary. The courts should be able to function free of undesirable administrative and financial restrictions in order to achieve the constitutional goal of providing social, economic and political justice and equality before law to the citizens.*

*“137. Article 21 of the Constitution of India takes in its sweep the right to expeditious and fair trial. Even Article 39-A of the Constitution recognises the right of citizens to equal justice and free legal aid. To put it simply, it is the constitutional duty of the Court to provide the citizens of the country with such judicial infrastructure and means of access to justice so that every person is able to receive an expeditious, inexpensive and fair trial. The plea of financial limitations or constraints can hardly be justified as a valid excuse to avoid performance of the constitutional duty of the Government, more particularly, when such rights are accepted as basic and fundamental to the human rights of citizens.”*

*(emphasis added)*

22. In case of ***New Bombay Advocates Welfare Association and anr. v. State of Maharashtra and ors.***<sup>3</sup>, the Division Bench of this Court had an opportunity to deal with the issue of financial constrain which is raised by the Government, when it came to provide infrastructure to the judiciary and we deem it appropriate to reproduce the observation in paragraph 21 of the said judgment, and by relying upon the decision of the Apex Court in ***Brij Mohan Lal*** (supra) it was held thus:-

*“21. In some detail, we have already discussed constitutional obligation of the State Government of establishing the Courts in the City and of providing all the infrastructures to the Courts. As far as the decision of establishing the Courts is concerned or as far as the requirement of constructing new Court buildings or new judicial quarters is concerned, the same will have to be taken by the High Court Administration after considering all the relevant factors. The views/opinion of High Court Administration on the aspect of establishing new*

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<sup>3</sup> 2015 SCC OnLine Bom 5754



*Courts must get primacy. However, as laid down by the Apex Court in the case of Brij Mohan Lal, once the High Court Administration decides to set up a new Court or to construct a new building for housing the Courts or new building for the judicial quarters, the plea of financial constraints or financial limitations is not available to the State. The Courts should be free of undesirable administrative and financial restrictions. The State cannot refuse to perform its constitutional obligation of providing adequate judicial infrastructure and means of access to justice to citizens. As pointed out by Shri. Kumbhakoni, the learned senior counsel appointed as Amicus Curiae, there are delays involved at every stages right from the sanction of the initial proposal for construction of Court building. At every stage, the State Government comes out with an excuse of financial constraints. In view of the law laid down by the Apex Court in the decision in the case of Brij Mohan Lal, the said excuse is no longer available to the State Government. As held therein, the Courts should be free of undesirable financial restrictions.”*

23. The demand of the petitioners' Association before us is for making provision for air conditioning in the new District

Court building at Mercas, which otherwise is a building of modern architecture inclusive of all necessary facilities for the lawyers as well as in the courtrooms.

Despite repeated requests, since no positive response was received by them, they are constrained to approach the Court.

24. The stand on behalf of the Government is placed before us through the learned Advocate General who would place reliance upon the affidavits filed by the Law Department of State of Goa as well as the GSIDC, i.e. respondent no. 4.

The Law Department in its affidavit, has informed that the request of the petitioners' Association was placed before the Government but the Government did not accept the same. Reference is made to the decision-making process reflecting the considerations on the basis of which the facility is denied and this is found in paragraph 6 of the affidavit, and we reproduce the same:-

*“ 6. The file notings of the decision making process reflect the following considerations on the basis of which the said decision was arrived at;  
a. A detailed feasibility report was called for from*

*the Goa State Infrastructure Development Corporation Ltd. the said feasibility report disclosed the following;*

*i. Proposal No. 1: Continuing with current 11 KV power connection and increasing load by additional 383 KVA by making necessary modifications. This Proposal will cost approximately Rs. 6 Cr.*

*ii. Proposal No. 2: Changing 11 KV installation to 33 KV installation. This will lead to avoidable expenditure to the tune of approximately Rs. 1.25 Cr. of 11 KV equipments, as the already installed 11 KV would become redundant.*

*iii. In addition, installing 33 KV equipments for external electrification will lead to additional 5.5 Cr. expenditure and the internal electrical works and AC works would cost approximately Rs. 12.00 Cr.*

*iv. Thus, this proposal will cost approximately Rs. 17.5 Cr. with avoidable expenditure of approximately Rs. 1.25 Cr.*

*v. The electricity bill in the absence of providing for Air conditioners would be approximately in the range of Rs. 22 to Rs 25 lakhs. The effect on the recurring monthly electricity bill considering the various options would be as follows;*

*Option 1: by modifying the 11 KV installation and increasing the Maximum load to 1499 KVA: the*

*monthly billing would be approximately in the range of Rs. 25 to 30 lacs.*

*Option 2: By changing 11 KV installation to 33 KV installation (for full building air conditioning) the monthly billing would be approximately in the range of Rs. 35 lakhs to Rs. 40 Lakhs*

*vi. The provision of additional HVAC will require: Provision of additional sub station switchgears like transformer, Ring Main unit, HT metering cubicle, vacuum circuit breaker and panels to cater the additional load*

*Provision of civil structures for the above including finalizing the suitable location for the same*

*Provision of additional items like LT cables, distribution cables, distribution boards. Internal Wiring for AC units and cabling for external units Additional external units and providing necessary civil structure for the same.*

*Dismantling and redoing the same of the false ceiling, making holes through walls, etc and refining the same with plaster, paint etc. for the passage of additional refrigerant copper pipes and UPVC drainage pipes for AC units power cabling for the AC units, etc.*

*Provision of proper vertical ducting for the drained water.*

*vii. In terms of the regulations of the Electricity*

*Department if the electrical load exceeds 1500 KVA then GSIDC will have to opt for 33 KV power connection in place of the 11KV connection that is currently provided. Presently there are 2 transformers with the total load of 1115 KVA (800 KVA and 315 KVA)”*

25. The affidavit further proceed to state that the GSIDC made a proposal for increasing the load up to 1499 KVA by retaining the present installation of 11 KV and this would incur cost of approximate 21.5 crores towards external electrification and Rs. 4 crores for air conditioning towards judicial workshop as well as the officers like the Advocates’ library, Superintendent, District Superintendent, District Legal Services Authority, CCTV server room, Stenographers’ room etc.

It is in the light of the aforesaid, the decision is taken by the Government not to consider the said request.

26. The respondent no. 4, GSIDC, has also filed an affidavit through its Managing Director and surprisingly in its affidavit, apart from financial burden, some certain additional reasons are set forth before us, to suggest that the request made by the

petitioners cannot be considered.

The affidavit proceeds to state that the contract was entered by GSIDC with M/s Venkata Rao Infra Projects Pvt. Ltd and there existed a defect liability for a period of three years from the date of the issuance of completion certificate during which the faults, if any, are required to be rectified. It is stated that the completion certificate has been issued to the Agency on 17.9.2024 and any liability of the contractor towards the defects in construction of the building can be shrugged off by the contractor in the light of the subsequent alterations done to the building in the name of installation of the air conditioning facility, resulting in severe prejudice to the GSIDC.

Another technical difficulty is also presented by stating that in the absence of breaking open the false ceiling as well as dismantling of light fixtures, smoke detectors, speakers and making cutouts in the wall for the passage of copper pipes and cables/wires, it is not possible to execute the works of installation. In specific, it is stated that if the building is considered, the Civil works to execute the same shall include

breaking open the false ceiling and dismantling of lights fixtures etc. and in terms of the contract, even, in the event, such changes are to be introduced in the building, the defect liability period which is otherwise binding on the contractor will no longer bind the contractor.

27. With regards to the alternative suggestion about providing tower AC or any other form of Air conditioner, so that civil work shall be avoided, it is stated that the petitioners do not possess technical knowledge and it is tried to suggest that tower AC are not feasible because even they require outdoor unit which will have to be connected to copper pipes, drain pipes and control cables and such utilities shall have to be placed on the floor and to maintain necessary slope, drain piping and other pipes will have to be placed at a raised location and this will hinder the movement of public and persons with disabilities would suffer the most. Apart from this it is also tried to suggest that that outdoor units which will have to be kept outside shall also create obstruction and as far as tower AC units are concerned, it is stated that they occupy floor space in the room, which will reduce the working space

and that would create a drawback by itself.

One more difficulty which is expressed in the affidavit, is about the additional power which will have to be augmented, as it is stated that with current 11 KV power connection, an addition of 383 KV will be required to be introduced but this will be able to cater the rest of the building and this proposal would incur cost of approximately Rs. 6 crores. The option no.2 of changing 11 KV to 33 KV, is stated to be resulting in wasteful expenditure of Rs. 1.65 crores as the old equipment would become redundant and the new 33 KV equipment would lead to additional expenditure of Rs. 5.5 crores, Rs. 4 crores for providing AC and the internal works and AC works for the balance room would thus cost approximately Rs. 12.00 crores and total cost of the project is estimated approximately at Rs. 25 crores.

28. We do not appreciate the stand adopted by the respondents, as we are of the considered view that for proper and effective functioning of the Courts, it is necessary to have the support of the staff, and which rather constitutes the backbone of the Courts' functioning and discharging its



solemn obligation of dispensation of justice and this staff is also entitled for an appropriate working environment, so as to increase their efficiency and output, which ultimately is going to be beneficial for the administration of justice itself.

What appears to be strange to us is the denial of this facility only to a particular class, i.e. members of the petitioner no.1 Association, which they describe as “discriminatory” as they have a feeling that it is only the Courts, Judges and the lawyers who are entitled for these facilities and we do not want them to carry an impression of they being discriminated and treated on a different pedestal by the judiciary, who, is otherwise committed to ensure ‘Equality’ as contemplated under Article 14 of the Constitution.

Equality before law, the lifeline of the Indian Constitution, convey that every individual regardless of his/her background or status is subject to the same laws and legal procedures. It implies that everyone is entitled to equal treatment and this principle is the cornerstone of Rule of Law.

It also conveys that there are no special privileges or exemptions based on the factors like wealth, social status or

political influence, as all citizens are entitled to be treated equally and they shall be subject to the same laws as ordinary citizens. The concept of equality address any systematic inequalities and it underline the principle, that all are equal in law.

Article 14 exists in the Constitution as a guarantee against the arbitrary action of the State and against arbitrariness and though it prohibits class legislation, it permits the State to make classifications of subjects; however, being hedged by the twin test of the classification being founded on intelligible differentia and the existence of a rational nexus with the objectives sought to be achieved by the classification.

The ambit of Article 14 has been expanded through various authoritative judicial pronouncements, declaring that the fundamental right to equality guaranteed under Article 14 of the Constitution, has manifested within its folds, equality of status and it intend to achieve the object declared by the preamble of the Indian Constitution and this concept of equality runs throughout its provisions. The principle involves a systematic rule of law that observes due process to provide

equal justice and requires equal protection, ensuring that no individual or group of individuals is privileged over others in law.

29. It is this concept of equality which is implicit to us, and hence, we fail to appreciate the stand of the State Government, that on account of huge financial burden, it is avoiding to extend the facility to the members of the petitioner no.1 or at some time it had tried to suggest that the defect liability period of the building is already over. As we are conscious of a well-known saying that 'where there is a will there is a way', we are of the view that the petitioners' Association deserve a similar treatment as the other class, who is instrumental in the Courts' functioning i.e. Judges and Lawyers and if they are extended the facility of air conditioning, we direct the State to treat the members of the petitioners' Association with parity and extend the benefits to them.

Whatever difficulties are placed before us in form of affidavits can be taken care of with appropriate technical assistance, as it is not uncommon to see that several Courts' buildings which were constructed decades ago, received an

uplift and by making them air conditioned and the excuse of financial restrain, according to us, will not deter us from issuing direction to provide the facility to the offices which are occupied by the members of the petitioner no.1 Association, as we find that they all belong to one uniform class, i.e. the people working in the Court complex and assisting the court in administration of justice and there can be no discrimination between them when it comes to infrastructural facilities as a healthy work environment is bound to increase the efficiency of the employees. It is also to be kept in mind that with the sweltering heat which the State suffers particularly from the months of April to August, when the temperature touches 40 degrees, with the humidity on the rise, the working conditions become deplorable and we cannot expect the staff to work in such condition while the Judges are provided multiple air conditioners so that atmosphere is kept cool and they are kept away from the adverse situation on account of rise in the temperature.

30. For the aforesaid reasons since we do find that the reasons cited by the State Government in not extending air

conditioning facility to the members of petitioner no.1 Association, who are also part of the judicial system, which is housed in form of the Court, in the Court complex, we direct the State Government to ensure that the air conditioning facilities are introduced in the District and Sessions Court and Subordinate Courts in various wings/work places, occupied by the judicial and non judicial staff within a period of six months from today and in any case by end of February 2026 and make it functional and for this purpose if it require to augment additional KV power, it shall do so, even if it incurs additional expenditure, as we are of the view that since the air conditioning facility is meant for the persons who are serving judiciary by playing different roles and ultimately rendering assistance in administration of justice.

31. With the above direction, the Writ Petition is made absolute.

**NIVEDITA P. MEHTA, J.     BHARATI DANGRE, J.**