

REPORTABLE

**IN THE SUPREME COURT OF INDIA
INHERENT/ORIGINAL JURISDICTION**

I.A. No. 135045 OF 2023

WITH

I.A. NOS. 187237 AND 187240 OF 2024

IN

WRIT PETITION (C) NO. 1022 OF 1989

**ALL INDIA JUDGES ASSOCIATION
AND OTHERS**

...PETITIONERS

VERSUS

**UNION OF INDIA AND OTHERS
RESPONDENTS**

...

IN THE MATTER OF:

**SACHIN KUMAR GUPTA
AND OTHERS**

...APPLICANTS/INTERVENORS

**COURT MANAGER WELFARE
ASSOCIATION**

...APPLICANT/INTERVENOR

AND

WRIT PETITION (C) NO. 301 OF 2024

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J U D G M E N T

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I. PREFACE

1. This matter involves a peculiar issue concerning the situation of Court Managers, who were introduced by the Thirteenth Finance Commission (2010-2015) to enhance the efficiency of court management by providing administrative support to the judges resulting in improved case disposal.

2. One Court Manager Welfare Association has filed an application being I.A. No.187240 of 2024 seeking intervention. Further, I.A. No.187237 of 2024 has been filed by the applicant, *inter alia* seeking directions to bring uniformity and enhancement in the service conditions of Court Managers across India by granting them a higher pay scale with appropriate allowances as recommended by the Second National Judicial Pay Commission¹. The applicant also seeks recognition of Court Managers as Class I Gazetted Officers, regularization of those still on a contractual basis, and consideration of their past continuous service for pensionary and monetary benefits. It further prays for the directions from this Court that would result in framing of uniform rules for career progression and promotions, along with the formulation of a structured duty roster outlining their roles, responsibilities, and delegated authority to ensure efficient judicial administration.

3. Another application being I.A. No. 135045 of 2023 has been filed by Sachin Kumar Gupta and others seeking intervention and directions to expedite the proceedings of LPA

¹ "SNJPC" for short.

1951 of 2019 pending adjudication before the High Court of Punjab and Haryana and to direct the Union of India to absorb/regularise the services of the intervenors for the post of Court Manager in the State of Punjab, Haryana and Union Territory of Chandigarh.

4. Lastly, one writ petition being W.P. (C) 301 of 2024 has been filed by Lokesh Kumar and another seeking similar reliefs as sought in I.A. No.187237 of 2024.

II. FACTUAL POSITION

a. Concept of “Court Managers” from the Report of FC-XIII

5. The concept of “Court Managers” was first proposed by the Thirteenth Finance Commission (2010-2015). The Thirteenth Finance Commission (FC-XIII) report recommended thus:

"12.87 **Creation of posts of court managers:** Enhancing the efficiency of court management would result in improving case disposal. Providing support to judges for performing their administrative duties would allow them more time for their judicial functions. Adopting an innovative approach, the Department of Justice has proposed that professionally qualified Court Managers, with MBA degrees, be employed to assist judges. These Court Managers will also be useful in feeding the proposed National Arrears Grid that would be set up to monitor disposal of cases in all the courts. We

support this innovation, the impact of which may be evaluated after 2015. The post of a Court Manager would be created in each judicial district to assist the Principal, District and Sessions judges in the administrative functioning of the courts. Similarly, posts of two Court Managers may be created for each High Court and one for each bench of the High Court. This is estimated to require Rs. 60 crore per year and works out to Rs. 300 crore for the period 2010-15. These amounts have been allocated to the states in proportion to the number of judicial districts in their jurisdiction."

6. It can thus be seen that the Thirteenth Finance Commission had recommended the creation of the post of Court Managers with the aim of providing assistance to judges in performing their administrative duties. It was proposed that the Court Managers would be appointed at both the District Court/Sessions Court level as well as the High Court level. It also records the estimation and allocation of funds required for the remuneration and other expenditure which is to be incurred by the States for appointing such Court Managers.

b. Letter by the Finance Ministry dated 20th September 2010

7. Pursuant thereto, a letter (No. F 32(30) FCD/2010) dated 20th September 2010 came to be addressed by the

Director, Finance Commission Division, Department of Expenditure, Ministry of Finance to the Secretary, Department of Justice, seeking implementation of the recommendations given by the Thirteenth Finance Commission (FC-XIII). The said letter was accompanied by “*Guidelines for release and utilization of Grant-in-aid for the Improvement in Justice Delivery as recommended by the Thirteenth Finance Commission*”. The relevant portion of the said guidelines is as under:

"12. Creation of posts of Court Managers:

12.1 With a view to enhancing the efficiency of court management, and resultant improvement in case disposal, Rs.300 crore have been allocated for employment of professionally qualified Court Managers to assist judges. The Court Managers, with MBA degrees, will support the judges to perform their administrative duties, thereby enabling the judges to devote more time to their judicial functions. The post of a Court Manager would be created in each judicial district to assist the Principal District and Session judges. Two posts of Court Manager may be created for each High Court, and one for each Bench of the High Court. In case the High Court is of the opinion that one Court Manager would be sufficient for more than one district, then HLMC can also take such a decision."

8. It can thus be clear that the said guidelines reiterated the allocation of the funds for the creation of the post of

Court Managers and recommended the number of posts to be created at each level, be it at the High Court level or at the District/ Sessions Court level.

9. The “*Suggested Functions, Responsibilities and Qualifications of the Court Managers*” were provided in Annexure III to the said guidelines, which are set out below:

“Policies and Standards

(1) Based on applicable directives of superior courts, establish the performance standards applicable to the court (including on timeliness, efficiency; quality of court performance; infrastructure; and human resources; access to justice; as well as for systems for court management and case management).

(2) Carry out an evaluation of the compliance of the court with such standards; identify deficiencies and deviations; identify steps required to achieve compliance; maintain such an evaluation on a current basis through annual updates.

Planning

(3) In consultation with the stakeholders of a court (including the Bar, ministerial staff, Executive Agencies supporting judicial functions such as prosecutors/police/process serving agencies and court users), prepare and update annually a 5-year court-wise Court Development Plan (CDP);

(4) Monitor the implementation of the CDP and report to superior authorities on progress

Information and Statistics

(5) Ensure that statistics on all aspects of the functioning of the Court are compiled and reported accurately and promptly in accordance with systems established by the High Court;

(6) Ensure that reports on statistics are duly completed and provided as required;

Court Management

(7) Ensure that the processes and procedures of the court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully compliant with the policies and standards established by the High Court for court management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice. (Note: standard systems for court management should be developed at the High Court level).

Case Management

(8) Ensure that case management systems are fully compliant with the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the State (Note: standard systems for case management should be developed at the High Court level).

Responsiveness Management: Access to Justice; Legal Aid and User Friendliness

(9) Ensure that the court meets standards established by the High Court on access to justice, legal aid and user friendliness.

Quality Management

(10) Ensure that the court meets quality of adjudication standards established by the High Court.

Human Resource Management

(11) Ensure that Human Resource Management of ministerial staff in the court comply with the Human Resource Management standards established by the High Court.

Core Systems Management

(12) Ensure that the core systems of the court are established and function effectively (documentation management; utilities management; infrastructure and facilities management; financial systems management (audits, accounts, payments);

IT Systems Management

(13) Ensure that the IT systems of the court comply with standards established by the High Court and are fully functional.

(14) Feed the proposed National Arrears Grid to be set up to monitor the disposal of cases in all the courts, as and when it is set up.

Qualifications

Court Managers may have the following minimum qualifications:

- a. A degree or advanced diploma in general management;
- b. 5 years' experience/training in systems and process management;

- c. 5 years' experience/training in IT systems management, HR management, financial systems management;
- d. Excellent people skills
- e. Excellent communication skills.
- f. Excellent computer application skills.”

10. It can be seen from the said guidelines that the main function of the Court Managers was to increase efficiency and quality in the working of the courts and judges by assisting the administration in Case Management, Human Resource Management, Core Systems Management, IT Systems Management, *etc.* It was also recommended that the Court Managers maintain information and statistics on all aspects of functioning of the Court through collection of data as well as prepare and update annually the 5-year Court Development Plans. The said guidelines also recommended that the minimum qualifications for appointment as a Court Manager should be that the candidate must have a degree or advanced diploma in management with an experience of five or more years in Human Resources, Information Technology or Financial Management and the candidate must have

strong people skills, communication skills and computer application skills.

c. Letter by Finance Ministry dated 10th July 2013

11. Pursuant to the said guidelines, the Director, Finance Commission Division, Department of Expenditure, Ministry of Finance, *vide* another letter dated 10th July 2013, informed to the Finance Secretaries of all States that an amount of Rs. 300 crore had been allocated for the employment of professionally qualified Court Managers to assist the judges. The States were allowed to use a part of their grant to provide support to the Court Managers, provided that it does not exceed Rs. 20,000/- per month per Court Manager.

12. Thereafter, in view of the aforesaid, many High Courts and District Courts started appointing Court Managers, but in the majority of the courts, the appointments were made merely on a contractual basis since there were no formal rules drafted for the employment of Court Managers. Thus, these contractually appointed Court Managers had varied pay scales and had no allowances or benefits arising out of the employment.

d. Judgment of this Court in the present proceedings dated 2nd August 2018

13. This Court, in its judgment dated 2nd August 2018 given in ***All India Judges' Association and Others. v. Union of India and Others***² in another application filed in this matter itself, had discussed about the need of sound infrastructure in the subordinate courts. While the issues raised in that application were regarding general infrastructure, this Court, gave directions regarding the necessary constituents of a "Court Complex". As a part of the discussion of the efficient dispensation and the accessibility to justice for the litigants, the role and importance of Court Managers was also discussed. A direction was also given that Court Managers who are already working must be regularized by the State Government as their assistance was found necessary for a proper administrative setup in the courts.

e. Report of the SNJPC dated 4th February, 2022

14. Thereafter, the SNJPC, under the Chairmanship of Mr. Justice P. Venkatarama Reddi, former Judge of this Court, was tasked with reviewing the pay scales, emoluments, and service conditions of judicial officers in India's district

² (2018) 17 SCC 555 : 2018 INSC 671

judiciary. The post of Court Managers was also discussed as there existed a number of vacancies and their services were not being fully utilized. The relevant portion of the SNJPC Report dated 4th February 2022 is as under:

“31. COURT MANAGERS

31.1 The appointment of Court Managers had started with 13th Finance Commission Scheme (Grant-in-aid scheme-2010). Now, in most of the States, Court Managers (who are MBAs – some of them are also Law graduates) are in place. They are required to have experience in IT Systems Management/Human Resources or Financial Management. There are Senior Court Managers, in addition to Court Managers in many States. However, in most of the States, there are quite a number of vacancies remaining unfilled for years. According to the inputs received by the Commission, it appears that the services of Court Managers are not being fully utilized in some Courts in order to subserve the purpose for which they are appointed. The duties and responsibilities of Court Managers are laid down either in the Rules or the Circulars issued by the High Courts. Rules or Orders are in force in various States governing the qualifications, recruitment and conditions of service.

31.2 The need to avail the services of professionally qualified Court Managers was stressed by the apex Court in the case of *AIJA* (2018) 17 SCC 555 and a direction was given to regularize the services of Court Managers already working. In this context, para 12.9 of the Order passed by the Hon’ble Supreme Court is relevant.

“12.9. Professionally qualified Court Managers, preferably with an MBA degree, must also be appointed to render assistance in performing the court

administration. The said post of Court Managers must be created in each judicial district for assisting Principal District and Sessions Judges. Such Court Managers would enable the District Judges to devote more time to their core work, that is, judicial functions. This, in turn, would enhance the efficiency of the District Judicial System. These Court Managers would also help in identifying the weaknesses in the court management systems and recommending workable steps under the supervision of their respective Judges for rectifying the same. The services of any person already working as a Court Manager in any district should be regularized by the State Government as we are of the considered view that their assistance is needed for a proper administrative set-up in a court.”

31.3 Incidentally, we may mention that there is an informative and analytical paper prepared by DAKSH with the title “A study on the Role of Court Managers in Indian Judiciary” (2020). NALSAR University of Law at Hyderabad, in the report submitted to the Department of Justice on the subject – “A Study on Court Management Techniques For...Subordinate Courts” (2016), stressed the need for efficient Court Managers.

31.4 In most of the States, the regularization of services of Court Managers has not taken place in spite of long passage of time. The directive of the Supreme Court remains unimplemented though the High Courts have been addressing the State Governments in this regard. They continue to work either on a consolidated pay, the maximum of which is perhaps Rs.70,000/- (in the State of Telangana) or the inadequate pay provided for in the Rules. Either there are no allowances or the allowances fixed are quite low. For instance, in Maharashtra,

the Court Managers are appointed on contract basis for a period upto 5 years. The fixed pay of Senior Court Manager is Rs.51,500/- plus allowances (total Rs.64,000/-) and the Court Manager gets Rs.52,900/- (including allowances). There is a provision to increase fixed pay by 6% per annum if the service is satisfactory. In Maharashtra, the Court Managers of all ranks are almost in full strength. In Rajasthan, out of 35 Court Managers' posts sanctioned for District Courts, 29 are presently working. Their pay is Rs.40,000/- p.m. with a provision for increase by 10% every year. The regularization process seems to be under consideration.

31.5 In Gujarat, the Court Managers who are appointed on contract basis get consolidated annual salary of Rs.7 lakhs in the 1st year and from 2nd year, (s)he gets 10% incentive for 'effective work'. In Tamil Nadu, as per the Rules of 2012 framed by Madras High Court under Article 229 of the Constitution, the temporary posts of Court Managers carry the pay scale of Rs.15600-39100 with Grade Pay (GP) of Rs.6600/-. The same pay pattern is in force for the Court Managers in the States of Punjab and Haryana. In the State of Chhattisgarh (where Rules have been amended to provide for regular cadre of Court Managers), the pay of Senior Court Manager and Court Manager respectively is Rs.15600-39100 plus Rs.5400/- Grade Pay (GP) and Rs.9300-34800 plus Rs.4800/- Grade Pay (GP). It is not clear whether they get any allowances.

31.6 The Rules of 2018 framed by the State of Assam are quite comprehensive and provide for better pay benefits. Scale of pay – Rs.30000-110000 with grade pay of Rs.14500/- and annual increment of 3%. More importantly, they are eligible to get all the allowances admissible to Government servants placed in the said pay scale. In the State of Assam, the Gauhati High Court (Appointment and

Conditions of Service of Court Managers for the State of Assam) Rules 2018 contemplate appointment of Court Managers on regular basis with the provisions for probation and confirmation.

31.7 In Kerala, the Court Managers appointed on contract basis are working in 8 District Courts, the sanctioned strength being 14. It appears, the process for regularization is under active consideration of Government. Presently, they get the pay of Rs.42500-87000 (pre-revised).

31.8 The Commission submits that in view of the ad hocism in conditions of service prevailing in various States, it would be appropriate if the Hon'ble Supreme Court issues a supplemental directive to the State Governments regarding creation of regular cadre of Court Managers and regularization of services of Court Managers appointed on contract or ad hoc basis. In any case, in whatever capacity they are appointed, there is every need to give them the benefit of higher pay with reasonable quantum of allowances. The Commission suggests accordingly."

15. It is thus clear that in its comprehensive report, the SNJPC addressed various aspects of judicial administration, including the role of Court Managers. The SNJPC recognized the importance of professional management in courts to enhance efficiency and reduce the administrative burden on the judges. It recommended the appointment of Court Managers to handle non-judicial functions, allowing judges to focus on their core judicial responsibilities. The SNJPC also analysed the remuneration and the employment status of the

Court Managers in various States including Telangana, Maharashtra and Rajasthan where the Court Managers continued to work on either a consolidated pay or on a contractual basis. The Report recognized the *Gauhati High Court (Appointment and Conditions of service of Court Managers for the State of Assam) Rules, 2018*³ as being comprehensive rules whereby the Court Managers were regularized and were given pay benefits and an annual increment.

16. The SNJPC Report concluded that in view of the *ad-hocism* in the conditions of service of Court Managers, this Court should issue supplemental directions to the State Governments for creating regular cadre of Court Managers and the regularization of their services. It was also concluded that, in any case, the benefit of higher pay with allowances must be given to the Court Managers.

f. Filing of the present IAs and the Writ Petition

17. It is therefore clear that after the recommendations of the Thirteenth Finance Commission, the SNJPC Report and judgment of this Court in the present proceedings dated 2nd

³ “Assam Rules of 2018” for short.

August 2018, it was expected that the High Courts across the country would frame rules *qua* Court Managers and that the State Governments would approve the same. However, upon a perusal of the affidavits submitted by the various State Governments and the High Courts in I.A. Nos. 187237 of 2024 and 187240 of 2024, it can be seen that some of the High Courts have finalised the rules for Court Managers which have been approved by their respective State Governments. Whereas, the rules prepared by some of the High Courts are pending approval of the concerned State Governments. It is further noticed that few of the High Courts are yet to even frame the rules. As a result, the present batch of IAs so also the Writ Petition came to be filed before this Court.

18. The learned *amicus curiae* has submitted a tabular chart depicting the position with regard to the status of rules pertaining to the service conditions of the Court Managers in each of the High Courts.

19. Upon perusal of the said chart, it can be seen that the rules *qua* Court Managers in some of the States are yet to be framed by the High Courts and yet to be approved by the

State Governments. Not only that, a perusal of the rules in existence show that there is no uniform practice adopted by the High Courts as well as State Governments in framing and implementing the rules regarding Court Managers.

III. SUBMISSIONS

20. We have heard Shri Siddharth Bhatnagar who was requested by this Court to assist as an *amicus curiae*. Shri Bhatnagar has tirelessly consolidated the stands of various High Courts and various State Governments and also given his valuable suggestions with regard to the directions to be issued by this Court. We have also heard various learned Senior Counsel/learned counsel appearing on behalf of the High Courts, State Governments and intervenors/petitioners.

21. Shri Bhatnagar submits that in view of the Report of the Thirteenth Finance Commission, the SNJPC Report and the clear directions of this Court *vide* the judgment in the present proceedings dated 2nd August 2018, the Court Managers appointed across India on a contractual or a consolidated pay basis must be regularized and higher pay-scales, along with appropriate allowances must be granted to

them. It is submitted that as per Articles 229⁴ and 309⁵ of Constitution of India, the High Courts and State Governments have the power to determine the conditions of service of its employees and hence, it may not be possible to adopt a uniform pay scale and conditions of service. He, however, submits that subject to minor variations, the rules to be made applicable to the Court Managers in respect of all States should largely be uniform so that there is not much variance in the pay-scales and conditions of service of Court Managers in some States as compared to the other States.

22. Shri Bhatnagar further submitted that the Assam Rules of 2018, which have been drafted by the High Court of Gauhati and approved by the State of Assam are the most appropriate, and therefore, they should be considered as model rules by the other High Courts and the State Governments. He further submitted that the SNJPC itself had observed that the Assam Rules of 2018 were comprehensive and suggested that the other High Courts and the State Governments, should frame the rules taking the Assam Rules of 2018 as model rules subject to certain

⁴ **Officers and servants and the expenses of High Courts.**

⁵ **Recruitment and conditions of service of persons serving the Union or a State.**

changes and modifications as needed by the concerned High Courts and State Governments to meet its peculiar requirements.

23. The learned *amicus curiae* submitted that in various High Courts and District Courts, the Court Managers have been functioning on contractual or consolidated pay basis for a long period. He further submits that asking them to undergo regular selection process at this stage would be harsh on them. He, however, submits that in order to remove the deadwood, it would be appropriate that a suitability test of all such Court Managers who are working on contractual or consolidated pay basis be conducted and only those who are found suitable in the said test be continued. He submits that only those Court Managers who do not pass the suitability test, should be discontinued. He further submits that taking into consideration that for a long period such Court Managers have only been paid a consolidated amount without any other service benefits, it would also be appropriate that those Court Managers, who are found suitable in the suitability test, be regularized by giving retrospective effect to their services from the date of their

initial appointment. He also submits that while undertaking the said exercise, the Rules Committee of the High Courts should be guided by the directions given by this Court in the judgment in the present proceedings dated 2nd August 2018.

24. The learned *amicus curiae* further submitted that the Court Managers be provided uniform promotional avenues and career progression and for that purpose, *the Chhattisgarh High Court Services (Appointment, Conditions of Service and Conduct) Rules, 2017* ⁶ may be considered as the model rules.

25. It is lastly submitted by the learned *amicus curiae* that preparation of the roster/chart regarding the responsibilities and duties of the Court Managers be specifically left to the Rules Committee of the respective High Courts and that the Rules Committees of these High Courts should frame the roster/chart while keeping in mind the specific requirements of their respective High Court and the District/Sessions Courts within its jurisdiction.

26. The various Senior Counsel/counsel appearing on behalf of the various High Courts, State Governments and

⁶ “Chhattisgarh Rules of 2017” for short.

intervenors/petitioners also advanced submissions as per the peculiar requirements prevailing in their High Courts and District Courts.

IV. ISSUE FOR CONSIDERATION

27. Having considered the submissions of the learned *amicus curiae* as well as the submissions made by various learned Senior Counsel and learned counsel appearing on behalf of various High Courts, State Governments and intervenors/petitioners, the issue we frame for our consideration is as to “whether in light of the Thirteenth Finance Commission, SNJPC Report and the judgment of this Court in the present proceedings dated 2nd August 2018, any further direction needs to be issued to various High Courts and State Governments for framing and implementation of rules for the Court Managers”.

V. ANALYSIS

28. It can be seen that, for the first time, the post of Court Managers was proposed to be created by the Thirteenth Finance Commission. The said Commission recognized the importance of Court Managers for enhancing the efficiency of court management. It has found that this would, in turn,

result in the improvement in the discharge of duties by the Judicial Officers which resultantly provides access to speedy justice. The said Commission, therefore, not only suggested the roles and qualifications of Court Managers but also went ahead to estimate and allocate funds required for the creation of these posts and for appointment of Court Managers.

29. It will be relevant to note that after the Report of the Thirteenth Finance Commission, certain guidelines came to be issued by the Ministry of Finance which recommended the roles, responsibilities and the qualifications of Court Managers in great detail.

30. Though the said guidelines elaborately provided for various aspects regarding the duties of the Court Managers, most of the High Courts had not framed any such rules and had appointed the Court Managers only on contractual basis or *ad hoc* basis. This Court, therefore, was required to reiterate the need of the Court Managers in its judgment dated 2nd August 2018 in the present proceedings.

31. No doubt that this Court in the said judgment was discussing the issue of infrastructure in subordinate courts, however, while doing so, this Court also discussed about the

necessity of appointing Court Managers to be a part of the “Court Complex”. It will be relevant to refer to the following directions issued by this Court in the said case:

"12.9 Professionally qualified court managers, preferably with an MBA degree, must also be appointed to render assistance in performing the court administration. The said post of Court managers must be created in each judicial district for assisting Principal District and Sessions Judges. Such Court Managers would enable the District Judges to devote more time to their core work, that is, judicial functions. This, in turn, would enhance the efficiency of the District Judicial System. These court managers would also help in identifying the weaknesses in the court management systems and recommending workable steps under the supervision of their respective judges for rectifying the same. **The services of any person already working as a Court Manager in any district should be regularised by the State Government as we are of the considered view that their assistance is needed for a proper administrative set up in a Court."**

(Emphasis Supplied)

32. A perusal of the aforesaid direction given by this Court would reveal that this Court found that, the provisionally qualified Court Managers were necessary to render assistance to the courts in performing the court administration. This Court found that the appointment of Court Managers in the district judicial system would enable the District Judges to devote more time to their core work,

that is, judicial functions. This Court further found that the Court Managers would also help in identifying the weaknesses in the court management systems and for rectifying the same, recommend appropriate steps under the supervision of their respective judges. This Court directed that the services of any person already working as a Court Manager in any district should be regularised by the State Government. This Court emphasized that this was necessary inasmuch as their assistance was needed for a proper administrative set up in a court.

33. It will also be relevant to refer to the following observations of this Court in the aforesaid case:

“**6.** It has to be firmly borne in mind and accepted as a reality that raising the infrastructure standards in the court complexes is the need of the hour as it is the basic requirement for the courts in the twenty-first century. We are absolutely clear that when people are aware of their rights, their desire to get the rights realised is enhanced and they would like to knock at the doors of the Court to shape their aspiration into reality. It is a welcome phenomenon and conceptually, Rule of Law nourishes and garners the said idea. The idea of speedy and quality justice dispensation system cannot be treated with status quoist approach, for the definition of infrastructure and the understanding of the same in all associated contexts changes with the passage of time and introduction of modern technology in many a sphere of life. The consumers of justice

expect prompt and effective delivery of justice in an atmosphere that is acceptable. Therefore, infrastructure enhancement will go a long way in strengthening functioning of the court and would improve the productivity in the justice delivery system.

7. Be it noted, a court complex is not just a building. It is the building of justice which breathes and infuses life into the exalted and sublime ideals of justice. The widening gap between the ideal and the real and between the vision and the pragmatic realisation of justice has to be bridged by proper access to justice for all.

8. It brings us to the focal point i.e. judicial infrastructure which has been given relatively low importance, if not long neglected. That needs an overhaul. Apart from the metropolitan cities and State capitals, infrastructure in courts, especially in the interior parts of the country, is dying out. It would not be wrong to say that some of them are just on the ventilator. A decrepit or crumbling court infrastructure inevitably results in causing impediment in access to justice. Undeniably, access to justice and rule of law is intrinsically linked. No democracy can afford to undermine the core values of rule of law. Thus, strengthening of court infrastructure requires immediate attention in the form of planning, enhanced budgeting and structured implementation or execution of the plans. Presently, most of the States are making budgetary provision as low as less than 1% of their total budget for the judiciary.”

34. It can be seen that this Court recognised the need for raising the standard of infrastructure in the court complexes.

It observed that it was the need of the hour as it was the

basic requirement for the courts in the twenty-first century. It was observed that the idea of speedy and quality justice dispensation system could not be treated with a *status quoist* approach.

35. We are at pains to say that even though the SNJPC in its Report had recommended and this Court in the judgment dated 2nd August 2018 in the present proceedings had specifically directed the rules to be framed for determining the service conditions, the duties *etc.*, of Court Managers, various High Courts and various State Governments have not yet complied with the said direction.

36. In spite of specific observations issued by this Court that the persons already working as Court Managers should be regularised, till date in many Courts, the Court Managers are still working on either contractual basis or on *ad hoc* basis. Leave aside the issue with regard to regularization, allowances, other benefits and promotional avenues being addressed to, it has also been brought to our notice that in some of the States, a decision had been taken to discontinue the services of Court Managers and some of the State

Governments have decided to discontinue the post of Court Managers citing the ground of shortage of funds.

37. We are of the considered view that since this Court has been consistently observing that the service conditions of all the Judges in the entire country should be uniform, it is also necessary that the system as approved by this Court for providing the services of the Court Managers to the courts to enhance the efficiency of administration of justice also needs to be largely uniform throughout the country.

38. At the cost of repetition, we observe that this Court has already emphasized the need of the Court Managers to assist the District Judges in administrative works so that the Judges can devote their time to their core functions, that is, adjudication of cases. In that view of the matter, it becomes imperative that this Court reiterates its earlier directions so that the rules with regard to service conditions of the Court Managers are framed and approved in a time-bound manner.

39. We have perused the Assam Rules of 2018. The said Rules provide for regularization of the services of the Court Managers and provide for the other benefits and allowances.

The said Rules also specify the method of recruitment and training required to be undergone by the Court Managers. Most importantly, the said Rules also enlist the various duties and responsibilities of the Court Managers in Rule 14, which is set out below:

“14.

(i) The Court Manager, in case of High Court, shall assist the Registrar General and other Registrars in the Principal Seat of the High Court, and Court Manager, in case of Judicial District, shall assist the District Judge of the respective Judicial Districts, in administrative functioning of the Courts, to enhance efficiency of Court Management.

(ii) The Court Manager in the High Court and Judicial District shall work under the control of the Registrar General or the District Judge, respectively.

(iii) The Court Manager shall maintain professional secrecy and shall not divulge any information which may come to his or her knowledge to anyone under any circumstances. Breach of this condition shall amount to misconduct.

(iv) The Court Manager shall perform the duties enumerated in Schedule- I.

(v) In addition to the duties enumerated in Schedule I, the Court Manager shall discharge and perform such other duties as may be assigned to him or her by the Registrar General or the District Judge.”

40. Thus, it can be seen that the Assam Rules of 2018 clearly outline the role of the Court Managers in assisting the Registrar General and the District Judges. The said Rules

also set out that the Court Managers are to work as per the assignments given by the Registrar General or the District Judge. Further, Schedule-I of the Assam Rules of 2018 goes into much more detail about the duties and the work of the Court Managers. Broadly, the duties are in consonance with the recommendations as given by the Thirteenth Finance Commission. Some other duties have also been prescribed to Court Managers as per the needs of the High Court or the District Courts. We, therefore, agree with the SNJPC Report whereby the Assam Rules of 2018 were recognized as being comprehensive in their scope.

41. We find, that as in other services, the promotional avenues are necessary for the employees who would be joining the base post of “Court Manager”. The stagnation at one particular level would reduce the efficiency in the functioning of such Court Managers. If promotional avenues are available, it will lead to better performance and efficiency of the Court Managers. In the alternative, the High Courts and the State Governments should also consider providing a scheme in the rules for Assured Career Progression (ACP) to incentivise the functioning of the Court Managers. We

therefore agree with the submissions of the learned *amicus curiae* that the High Courts and the State Governments should also consider providing for promotional avenues or in the alternative, an ACP Scheme contingent upon the exigencies that exist in the particular High Court and the State.

42. We find that the Assam Rules of 2018 should be considered as the model rules when the other High Courts frame their rules. Needless to state that the High Courts and the State Governments can always make certain changes and modifications in order to take care of certain exigencies which may be peculiar to their particular High Court and the particular State.

43. We further find that the directions issued by this Court in the judgment dated 2nd August 2018 in the present proceedings with regard to the regularization of the services of the Court Managers who were already in employment needs to be reiterated. The Court Managers having served for years, after rendering their services for such a long period; if they are not made permanent and are to be thrown away at

this stage, it would cause a great hardship to them. We are also in agreement with the submission of the learned *amicus curiae* that for separating the deadwood, a suitability test can be conducted so that the Court Managers who are functioning properly are continued and only such Court Managers who are not found suitable should be discontinued. The rules in this regard can be formulated accordingly.

VI. CONCLUSION AND DIRECTIONS

44. In the result, the present batch of IAs and Writ Petition are disposed of in the following terms:

- (i) We direct that all the High Courts in the country shall frame or amend the rules providing for recruitment and conditions of service of Court Managers, by taking the Assam Rules of 2018 as the model Rules, and submit it to the State Government for approval within a period of 3 months from the date of this judgment. Needless to state that the High Courts and the State Governments would be at

liberty to make suitable modifications/changes so as to suit their peculiar needs;

- (ii) We further direct that upon receipt of the rules framed or amendments thereof by the High Courts, the respective State Governments shall finalise and grant approval to the same within a further period of 3 months;
- (iii) We clarify that the minimum rank/class of such Court Managers should be of a Class-II Gazetted Officer for the purpose of basic pay, allowances and other service benefits;
- (iv) We further clarify that the Court Managers appointed in the High Courts shall work under the directions and supervision of the Registrar General/Registrars of the High Courts. Insofar as the Court Managers appointed in the District Courts are concerned, they shall work under the supervision and control of the Registrars/Superintendents (Head of the Ministerial Staff) of the concerned courts;

- (v) While determining the duties, functions and the responsibilities of the Court Managers, the Rules Committee of the High Courts shall ensure that their duties, functions and responsibilities do not overlap with that of the Registrars of the High Court/District Courts;
- (vi) Insofar as the Court Managers, who are already working either on contractual or consolidated pay basis or on *ad hoc* basis are concerned, their services shall be continued and regularized subject to their passing the suitability test as will be provided in the rules to be framed by the respective High Courts and approved by the respective State Governments;
- (vii) We clarify that such of the Court Managers who are already working would be entitled to regularization from the date of their initial appointment. We further clarify that the benefits of such a regularization though would entitle them for continuity in service for all the

purposes including terminal benefits, they would not be entitled for the arrears, if any, on account of difference between salary for the period from the date on which they are working till the date of their actual regularization;

- (viii) We direct that the process of regularization of the Court Managers shall commence and be completed within a period of 3 months from the date of approval of the rules by the respective State Governments;
- (ix) We clarify that the respective Registrar Generals of the High Courts and the Chief Secretaries of the State Governments shall be personally responsible for adhering to the aforesaid timelines; and
- (x) I.A. No. 135045 of 2023 is disposed of with a request to the concerned Division Bench of the Punjab and Haryana High Court to decide the matter captioned as LPA 1951/2019 pending before it in terms of this judgment.

45. We place on record our deep gratitude for the assistance rendered by Shri Siddharth Bhatnagar, learned *amicus curiae* ably assisted by Mr. Ankit Yadav and Mr. Aditya Sidhra, learned counsel. We also place on record our appreciation for the Senior Counsel and counsel appearing on behalf of the various High Courts, State Governments and intervenors/petitioners.

.....CJI
(B.R. GAVAI)

.....J
(AUGUSTINE GEORGE MASIH)

.....J
(K. VINOD CHANDRAN)

**NEW DELHI;
MAY 16, 2025.**