

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 50 of
2024**

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SUO MOTU

Versus

STATE OF GUJARAT, HOME DEPARTMENT, THROUGH
SECRETARY & ORS.

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Appearance:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1

MR PR ABICHANDANI(102) for the Applicant(s) No. 1

MR KAMAL B. TRIVEDI, ADVOCATE GENERAL WITH MR
GURUSHARAN H. VIRK, GOVERNMENT PLEADER and MR
HARDIK DAVE, PUBLIC PROSECUTOR with MR VINAY
BAIRAGRA, AGP with MS HETAL G. PATEL, AGP for the
Opponent(s) No. 1

MR HS MUNSHAW(495) for the Opponent(s) No.6

MR SIMRANJITSINGH H VIRK(11607) for the Opponent(s) No. 5

MR MAULIK G NANAVATI for NANAVATI & CO.(7105) for the
Opponent(s) No. 11

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CORAM:**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI**Date : 07/02/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. Perused the report dated 06.02.2025 submitted by the Registrar General, High Court in respect of the directions contained in the order passed in the present matter about the implementation of the circular issued under the order of Hon'ble the Chief Justice insisting on to follow the helmet rules by the officers and employees of the High Court travelling to the Court on two-

wheelers. It is reported that inspections were conducted by the Assistant Commissioner of Police, Security Branch, High Court of Gujarat and Campus Administrators I & II, during the morning and evening hours to check compliance.

2. The Assistant Commissioner of Police, Security Branch, High Court of Gujarat and Campus Administrators I & II submitted their report on 04.02.2025 wherein it is reported that in respect of violation of helmet rules, administrative action was proposed against the non-compliant officers and staff members of the Registry. The implementation of the helmet rule Circular has largely been successful with security personnel (police staff) actively enforcing the rule. The register in respect of violation of helmet rule is maintained by the security personnel (police staff) at Gate Nos. 2 and 5. Most of the staff members comply and wear helmet. However, some individuals attempt to enter without helmet and majority of non-compliant individuals are amongst High Court employees, Government Pleader Office employees, advocate clerks/advocate assistants, staff of R & B office/employees, housekeeping contract employees. The non-compliant individuals also pertain to Post Office, Bank, Treasury office and other Government offices, staff of canteen, Mitti Cafe, xerox centre and outsourcing/supplier staffs.
3. Taking note of the report dated 06.02.2025, it is directed that the Circular issued by Hon'ble the Chief Justice for

implementation of the helmet rules for the staff/employees of the High Court and individuals working in different offices/departments of the High Court shall be circulated amongst the concerned head of the department, who in turn are required to impress upon the staff members subordinate to them to ensure compliance. The Circular be also forwarded to the office of the Government Pleader, Public Prosecutor, Advocate's clerk/Advocate assistants Association, the Secretary, R & B department and the contractors. The copy of the Circular with the strict instructions to ensure compliance be sent to the Head of the Post Office, Bank located in the High Court premises and the other departments of the State Government to intimate their employees that they are required to ensure compliance of the helmet rules while commuting to the High Court. The Circular be also sent for ensuring compliance to the contractor of the canteen, Mitti Cafe, xerox centre and the contractors providing outsourcing services for different works. The Registrar General, High Court is required to ensure compliance of the above directions and seek response of the persons to whom the copy of the Circular is to be circulated in accordance with the above directions. The compliance of this order be reported on the next date fixed.

4. Proceeding further, one of the major issue which is engaging the attention of this Court in the present Public Interest Litigation is about the shortage of traffic personnel. The further affidavit dated 06.02.2025 filed

on behalf of the respondent no.1 State by the Inspector General of Police, State Traffic Branch, State of Gujarat, narrates the progress made in the recruitment of Unarmed Police Force, which form part of the traffic police force in the State of Gujarat. It is stated in the affidavit filed by the Inspector General of Police, State Traffic Branch, State of Gujarat that the Gujarat Police Recruitment Board has issued advertisement for filling up 11,377 posts in different cadres of police force out of which total 7,075 posts are for unarmed police force (constabulary and officers). It is contended that the Physical Efficiency Test is ongoing as it has started on 08.01.2025 for unarmed Police Sub-Inspector and Police Constable. The said test will be completed in the month of March 2025 with publication of results for both the cadres. Thereafter, the written test would be completed and efforts would be made for filling-up the existing vacancies.

5. It is contended that as per the traffic management in the State of Gujarat, the traffic junctions at various locations are manned by police personnel from Constabulary force (unarmed). Such staffs are stationed to manage the traffic as per the administrative exigencies and are transferred periodically as per the administrative needs. It is submitted that the personnel of regular Constabulary cadres are posted for controlling the traffic considering that the traffic management requires active, agile and fresh recruits who can manage traffic for several hours on busy roads and important junctions.

Normally, the traffic is controlled by energetic brigade, who are police personnel placed for management of traffic in a periodic manner. The contention is that the regular transfers of the constables working with the traffic branch also ensures that the job profile of such personnel does not become repetitious and monotonous and thereby ensuring dynamism in the junior position in the police force. The constant exposure to the high decibel traffic noises and pollution takes a toll on the mental and physical health of the personnel regulating the traffic at junctions and hence, establishing a dedicated cadre of traffic police may pose certain challenges and may not be a feasible option.

6. Taking note of the above, suffice it to record that there has been no response of the requirement of traffic personnel as per the current scenario. When this Court had observed in the order dated 17.01.2025 that the State authorities may deliberate on the question of requirement to find out the feasibility of preparing a cadre of traffic police force in the State of Gujarat on assessment of the need of the State depending upon the type of cities, big, medium or small cities, so as to strengthen the cadre of traffic police force in consultation with the officers of the State traffic branch management, it meant for creation of a cadre which may be merged with the regular Constabulary cadres. The idea was to find out feasibility of creation of traffic police cadre in order to assess the current requirement and not to create a cadre which is separate from the regular

Constabulary cadre.

7. There cannot be any dispute that the regular Constabulary cadre post is not sufficient to deal with the current requirement of the Police force and further the posting of constables working in the regular constabulary cadre with the traffic branch without assessment of the need of traffic force seems to be causing excessive burden on the existing Police force. With the above noted observations in the order dated 17.01.2025, it was to meant that an assessment of need and requirement of traffic police force looking to the current need by statistical analysis of the data available with the department be made. The answer to the query made by the Court in the affidavit of the Inspector General of Police, State Traffic Branch, State of Gujarat filed on 06.02.2025 that establishing a dedicated traffic police may pose certain challenges seems to be acceptable, but there is no response as to the requirement of traffic police personnel as on date.
8. The Inspector General of Police, State Traffic Branch, State of Gujarat is, therefore, directed to make an independent assessment of the requirement of traffic police force to meet with the current needs of the State depending upon the type of cities, big, medium or small cities so as to strengthen the existing traffic police force. In case in the opinion of the Inspector General of Police, State Traffic Branch, State of Gujarat, the existing number of traffic force is sufficient to meet the current

requirement, a positive response in this regard shall be placed before the Court on the next date fixed.

9. With the above, we leave the issue to the independent assessment of the Inspector General of Police, State Traffic Branch, State of Gujarat who shall file his response by the next date fixed.

The matter is posted on 21.03.2025 at 12.30 p.m.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

BIJOY B. PILLAI