

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO.7187 OF 2015

**RAJENDRA RAMAJI DHAWALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Ms. Pradnya Talekar i/b. Mr. S. B. Talekar For
Petitioner Nos. 1, 4-11, 19-23, 33, 34, 13 to 18, 24 to 26, 30 to 32.

Talekar S.B. for P/1,4-11,19-23 And 33 And 34

AGP for Respondents: Mr. V. J. Dixit, Senior Counsel

Advocate for Respondents : Mr. Deshmukh Rajendra S.

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**CORAM : T.V. NALAWADE &
SUNIL. K. KOTWAL, JJ.**

DATE : 01st March, 2019

PER COURT:

. Yesterday this Court had made it clear that today this Court will be passing some order with regard to creation of posts of typist as per the recommendations of Shetty Commission made way back, in the year 2003. This Court has carefully gone through the recommendations which can be found in Chapter No.X. Chapter No.IX and similarly Chapter No.XI are also relevant for this purpose. This Court has seen the information supplied by the Bombay High Court to Shetty Commission with regard to the staff which was sanctioned for

every Judicial Officer for discharging its judicial duties. It was informed that there was staff like Bench Clerk and Sheristedar provided to every Judicial Officer. There was no information given that the post of typist was made available to every Judicial Officer. The work of Bench Clerk involves sitting on the dias or the place which is near to the dias and record the instructions given by the Judicial Officer with regard to every matter. Bench Clerk is expected to right Roznama of every matter, to record the events which take place in every matter everyday. In addition to that, the Bench Clerk is required to write the deposition in vernacular language. Thus, the Bench clerk remains busy on the dias throughout the day and he does not get any time for other work. Even after the work time of the Judicial Officer is over, he is required to sit for more time to complete the writing of Roznama. After that there is the work of Sheristedar. Sherestedar is expected to prepare the processes, like summons, warrants, notices and he is expected to prepare the daily board also. Though computer system is introduced, Sherestedar is expected to discharge that duty by using computer and thus both bench clerk and Sherestedar remain busy for doing aforesaid work. They cannot be used as typist for typing the dictation of evidence given by Judicial Officer who is expected to translated the Marathi version into English when evidence is given in regular criminal cases and also in regular civil cases. At

present the Stenographer is required to sit on dias to type such dictation given by the Judicial Officer and if he is made to sit on the dias through out the day as a typist, he is of no use as a Stenographer to the Court. These circumstances need to be kept in mind and that is why Shetty Commission report shows that even if there is a post of typist made available to every Judicial Officer, he should get one separate stenographer.

2. The work of stenographer is to take the dictation of lengthy orders and also of the judgments. When there is typist available, typist he can type the short orders dictated by the Court on dias and such orders are required to be dictated on interim applications, on bail applications by Civil Judge and Judicial Magistrate. In Maharashtra most of Judicial Magistrates are required to discharge duties as Civil Judge Junior Division also. Thus, the post of a typist is a must for every Judicial Officer and at present that post is not available. The submissions made to show that even in Mandhani's report it was suggested to create the post of typist for every Judicial Officer but unfortunately till this date no such post is created. If such post is not created, the stenographer will keep on working as a typist and not as a stenographer.

3. The submissions made and the affidavit dated 10.01.2017,

of the petitioner show that unless there is a post of typist, the stenographer will not be able to discharge his duties effectively. There is affidavit of officer of the State Government dated 04.01.2017 contending that at present the clerks appointed are expected to possess knowledge of typing and so they can be used as typist. This contention of the State is not acceptable in view of the aforesaid circumstances. It is unfortunate that the State is not taking steps even when there is necessity of creation of post of typist. The submission made by the learned Senior counsel that separate proposal ought to have been made by the High Court for creation of the such post is not at all accepted. The learned counsel for the High Court submitted that when Shetty Commission report is accepted as it is by the High Court and in principle Government has also accepted the report which can be seen from various affidavits filed by the Government, the Government ought not to have waited for separate proposal from the High Court.

4. Learned counsel for the High Court submitted that in view of the approach of the Government, the Administrative Judges of this Court had taken decision that no separate proposals every time for each and every post will be submitted if there is some report like report of Shetty Commission and particularly when there are directions of Supreme Court to the Government to see that the report is implemented in letter and spirit.

5. The learned Senior counsel for the Government submitted that the Government Resolution in respect of creation of three tier system for the cadre of stenographer itself shows that the post of typist was abolished. This submission is not correct and it is not at all acceptable. In the past there was four tier system of stenographers and the bottom rung was of steno-typist and this post is cannot not be called as a typist post.

6. There could not have been any practical difficulty for the Government to create the posts of typists. If number of posts of Judges sanctioned for subordinate judiciary are known to the State Government and if post of one typist is to be created for every Judicial Officer then there was no need of separate proposal for creation of such posts. These speaks loud about the approach of the Government and it can be called the tactics to avoid the financial burden. Even after the directions of Apex Court for more than 10 years steps are not taken to create such posts. If the Judges are expected to give their 100%, infrastructure necessary for that needs to be created by the State, by responsible State. This Court has no hesitation to observe that if there is a separate post of typist for every Judicial Officer, the out put of Judicial Officer will increase by more than 25%. If there is post of typist knowing shorthand, the out put will definitely be increased by more than 50%. At present the Judicial Officers are

facing all kinds of pressure and due to the absence of infrastructure they are required to stay their hands. Many times the stenographers make submission that already huge work is pending with them and they are not able to transcribe the dictation already given. When stenographer is on leave, the things become worst. As the stenographer gets no time for transcribing the dictation and every day he is required work as the typist, these days, it becomes very difficult to Judicial Officer to discharge the functions effectively. In view of these circumstances, this Court is hereby directing the State Government to take step and see that within one month, the posts of typists are created and one typist is provided to every Judicial Officer of subordinate judiciary who can type English and Marathi versions.

7. The note made by this Court on 18.12.2014 on the basis of submission made by the State, show that it was submitted before this Court that the Government had no objection to implement Shetty Commission's recommendation of Judicial Staff and for that they were seeking certain requisite details from the High Court. Even when such submission was made on 18.12.2014 no further steps were taken by the State Government. The Respondent High Court is expected to start process of recruitment of the typist within one month after creation of the posts.

8. Authenticated copy be supplied to the parties. Stand over to 18.03.2019.

(SUNIL. K. KOTWAL, J.)

(T.V. NALAWADE, J.)