

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL)..... Diary No(s). 38854/2026

INDRAKALA JOGINDER NANDA & ORS.

Petitioner(s)

VERSUS

HIGH COURT OF JUDICATURE AT BOMBAY & ORS.

Respondent(s)

IA No. 251353/2026 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS

Date : 31-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Mr. Basant R, Sr. Adv.
Mr. Amol Nirmalkumar Suryawanshi, AOR
Ms. Damini Vishwakarma, Adv.
Mr. B Dhananjay, Adv.
Mr. Raunak Arora, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. In this petition, filed under Article 32 of the Constitution of India, the petitioners, who are Presiding Officers of various Family Courts in Maharashtra, seek a declaration that the office of a Judge of a Family Court constitutes a "judicial office" within the meaning of Article 217(2)(a), thereby rendering them eligible for consideration for appointment as Judges of a High Court. Pertinently, this precise question was considered by this Court and answered against similarly situated Family Court Judges in *S.D. Joshi and others v. High Court of Judicature at Bombay and others*,

(2011) 1 SCC 252. The present writ petition, therefore, seeks, in substance, reconsideration of that settled decision.

3. At the outset, it appears that a writ petition under Article 32 cannot be employed as a means of seeking reconsideration of a binding judgment of this Court or as a substitute for the remedies available against such a judgment. Even otherwise, the petitioners have not demonstrated any change in the governing constitutional or statutory framework that would warrant taking a view different from that expressed in *S.D. Joshi* (supra).

4. Contrarily, it seems to us that the only recourse that might be available to the petitioners would be to impress upon the jurisdictional High Court and the State Government to reformulate the rules *re*: appointment of Presiding Officers of Family Courts, essentially in light of the provisions for such appointment as is prevailing in other States. We hasten to add that this would essentially be a policy matter for which the High Court and State Government, in consultation with each other, may take an appropriate decision. We express no opinion in that regard.

5. The Writ Petition is, accordingly, disposed of.

6. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR