

Court No. - 11

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Case :- FIRST APPEAL No. - 25 of 2017

Appellant :- Mohd. Irshad

Respondent :- Smt. Anjum Bano

Counsel for Appellant :- Amit Mishra, Jay Krishna Shukla, Rama Pati Shukla

Counsel for Respondent :- Ramakar Shukla

Hon'ble Rajan Roy, J.

Hon'ble Saurabh Lavania, J.

(C.M. Application No. 32788 of 2021).

This is an application filed by Sri Manoj Kumar Shukla erstwhile Principal Judge, Family Court, Sultanpur at present attached to the judgeship of Sultanpur and under suspension since 22.11.2019 for expunction of adverse remarks made against him by this Court in its order dated 18.11.2019.

We have perused the said order and the remarks of a Bench of which one of us (Justice Saurabh Lavania) was a Member. Sri Shukla is a Judicial Officer. He stands before us with folded hands and in tears, seeking mercy and pardon.

He has stated before us that on 18.11.2019, when he had appeared before this Court he was slightly anguished because he had not passed the order impugned in the first appeal yet he had to appear before the High Court and in a momentary lapse of control over his faculties the incident recorded in the order of this Court dated 18.11.2019 happened the repents for the same. He says that he has an unblemished record otherwise. Moreover, he also says that he shall never repeat what he did before this Court on 18.11.2019 and earlier before another Bench. He says that his entire career is at stake. He has been superseded by officers junior to him, who have been promoted as District Judge.

He also informed the Court that he is facing disciplinary proceedings for the aforesaid conduct and is under suspension for the past more than one year. His life and career both have been tainted because of the adverse remarks. He again repeated before us with folded hands that he will never ever commit the mistake which he committed on the earlier dates.

On being asked, he informed that he was never given any adverse entry in his ACR in his service career since 1996 till the aforesaid incident.

Considering the overall facts of the case as the applicant is a Judicial Officer of the of rank of Additional District Judge and also as he expresses sincere regret and remorse regarding his conduct which is also reflected from his affidavit filed in support of the application for expunction of remarks, paragraph 2 and 11 of which read as under:-

"2. That before submitting anything on the fact the deponent most respectfully submits that he is Judicial Officer member of Higher Judicial Services and he maintains high dignity and discipline of his office and his entire carrier remained throughout unblemished. The deponent begs repentance and he extends remorse and begs unqualified pardon from this Hon'ble Court if anything spoken, demonstrated or done by him which is tantamount unreasonable or undisciplined on his part. He always obeyed the orders issued by this Hon'ble Court and complied with in letter and spirit and he has made always frantic endeavour to dignify the judicial system and his office from his girt coast of his heart and he can never speak or show any gesture which is against the dignity or majesty of this Hon'ble Court.

11. That the applicant begs unconditional apology from this Hon'ble Court regarding the observation made against him in the order dated 18.11.2019 and he extends assurance that such thing will never happen in future. It is settled law that this Hon'ble Court may invoke the inherent power to wipe off the remark/observation made against the judicial officer. Hence, the above said application is being preferred invoking the provisions of Section 151 of Code, 1908."

As also considering his assurance, undertaking and unconditional apology contained in paragraph 11 as quoted above, we are persuaded to expunge the adverse remarks contained in the order dated 18.11.2019 relating to the petitioner starting with the words "we asked a question to him" and ending with the words "and even requested this Court to initiate appropriate action against the officer."

The applicant has remained under suspension for more than a year. He has realized his mistake, therefore, we see no reason to allow the aforesaid remarks to continue against him any further in view of what has been stated hereinabove. The same shall be treated as expunged and shall not be used against the applicant-Manoj Kumar Shukla in his career.

As regards the disciplinary proceedings pending against him, the consequences shall follow accordingly as per law.

We have also counselled the judicial officer not to repeat what he did before the Court on the dates mentioned hereinabove. We hope and trust that he shall henceforth not only perform his judicial duties with diligence and sincerity but shall also follow the decorum and courtesies, which are required to be observed vis-a-vis his juniors, his colleagues, as also the superior officers. He once again assures us that he shall observe these etiquettes not only against judicial officers and judges but also against the Members of the Bar.

We accordingly, **allow** the application in the aforesaid terms.

The Bench Secretary is directed to get the signature of Sri Shukla, who has appeared and argued the matter himself, on the margin of today's order-sheet.

Order Date :- 5.3.2021

Jyoti/-