



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Writ Miscellaneous Application No.346/2025

In

S.B. Civil Misc. Application No.82/2025

In

S.B. Civil Writ Petition No.17020/2024



Kesar Devi W/o Late Sh. Motilal Bairwa, Aged About 68 Years,
R/o Plot No. C-43, Tirupati Balaji Nagar, Bairwa Colony,
Sanganer, Jaipur, Rajasthan.

-----Petitioner

Versus

1. Guddi Devi W/o Nand Kishore Bairwa, R/o Plot No.C-43,
Tirupati Balaji Nagar, Bairwa Colony, Sanganer, Jaipur,
Rajasthan, Another Address-Plot No. 185 Krishna Vihar
Colony, Near Kumbha Marg, Pratap Nagar, Sanganer,
Jaipur, Dist-Jaipur.
2. Nand Kishore Bairwa S/o Late Sh. Motilal Bairwa, R/o Plot
No. C-43, Tirupati Balaji Nagar, Bairwa Colony, Sanganer,
Jaipur, Rajasthan, Another Address-Plot No.185, Krishna
Vihar Colony, Near Kumbha Marg, Pratap Nagar,
Sanganer, Jaipur Dist- Jaipur.

-----Respondents

For Petitioner(s) : Mr. Ashish Poonia (through Video
Conferencing)

JUSTICE ANOOP KUMAR DHAND

Order

21/01/2026

Reportable

1. At the very outset, this Court, before adverting to the facts
of the instant case, would like to observe that under the principles
of rule of law, a quasi-judicial body is obligated to adhere to



judicial directives. Disobedience of a Court order amounts to breach of duty and professional misconduct, warranting departmental action by the appointing authority. The appointing authority is empowered to initiate an inquiry, assess the extent of the misconduct, with disciplinary measures, in accordance with the applicable service rules and statutory provisions governing the conduct of quasi-judicial officers.

2. Under Article 227 of the Constitution of India, this Court is vested with the powers of superintendence over the subordinate Courts, Tribunals and quasi-judicial authorities of the State of Rajasthan. Acting as a quasi-judicial authority, the Deputy District Collector and Magistrate, Jaipur II, Sanganer (Jaipur)/Sub-Divisional Officer-II, Sanganer, Jaipur is subject to the superintendence of this Court and accordingly, any orders/directions passed by this Court are certainly binding upon him. He cannot escape from complying with such orders/directions in any manner and cannot shirk from discharge of his duties without assigning any satisfactory, valid and justified reasons.

3. Certainly the Officer, who exercises judicial or quasi-judicial powers and acts negligently or recklessly, then such act will amount to misconduct. The Hon'ble Apex Court in the case of **Union of India & Ors. Vs. K.K. Dhawan** reported in **(1993) 2 SCC 56** has dealt with certain illustrations where disciplinary action can be taken against such erring officers for violation of the Central Civil Services (Conduct) Rules, 1964. It has been held in Para 28 as under:-

"28. Certainly, therefore, the officer who exercises judicial or quasi-judicial powers acts negligently or





recklessly or in order to confer undue favour on a person is not acting as a Judge. Accordingly, the contention of the respondent has to be rejected. It is important to bear in mind that in the present case, we are not concerned with the correctness or legality of the decision of the respondent but the conduct of the respondent in discharge of his duties as an officer. The legality of the orders with reference to the nine assessments may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action for violation of the Conduct Rules. Thus, we conclude that the disciplinary action can be taken in the following cases:

(i) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;

(ii) if there is prima facie material to show recklessness or misconduct in the discharge of his duty;

(iii) if he has acted in a manner which is unbecoming of a Government servant;

(iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;

(v) if he had acted in order to unduly favour a party;

(vi) if he had been actuated by corrupt motive, however small the bribe may be because Lord Coke said long ago "though the bribe may be small, yet the fault is great".

4. The instant misc. application has been preferred by the applicant-petitioner, who is a Senior Citizen of 70 years old infirm lady, (for short "petitioner") with the following multiple prayers:-

"It is therefore, most humbly and respectfully prayed that, that this application filed by the petitioner may kindly be allowed and this Hon'ble Court by appropriate writ, order or direction:

(i) That in the interests of justice and in accordance with the intent of the relevant legislation, this Honorable Court may graciously direct the Learned Maintenance and Welfare of Parents and Senior Citizens Tribunal, Sanganer, Jaipur, to expeditiously adjudicate the petitioner's application No. 20/2024 within a fixed time frame of two weeks in time bound manner.





(ii) That it is also prayed that the hearings of this matter before Learned Maintenance and Welfare of Parents and Senior Citizens Tribunal, Sanganer, Jaipur be conducted on a day-to-day basis, thereby ensuring a swift and fair resolution in service of justice.

(iii) That it is respectfully submitted that, in the interest of justice, it would no longer be appropriate for the applicant to continue with the proceedings before the same presiding officer. It is therefore prayed that the matter may kindly be transferred to any other competent presiding officer at Jaipur.

(iv) Any other relief, order or direction that this Hon'ble Court deems fit in the facts and circumstances of the case, may kindly be passed in favour of the petitioners in the interest of equity, justice and good conscience."

5. Learned counsel for the petitioner submits that the petitioner is a senior citizen and she has submitted an application under Section 23 of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 (for short "the Act of 2007") before the court of Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) on 19.03.2024. Learned counsel submits that the respondents were served long back in the year 2024 and several dates were posted for final arguments, but final arguments were not heard in between 14.05.2024 to 15.10.2024 and thereafter several dates were posted for final arguments. When the final arguments were not heard and the application, so submitted by the petitioner, was not decided, then under the compelling circumstances, the petitioner approached this Court by way of filing S.B. Civil Writ Petition No.17020/2024, however, the same was decided by this Court vide order dated 11.11.2024 with a clear and specific direction to the concerned SDO to decide the pending complaint/application expeditiously preferably within a period of one month.





6. Learned counsel submits that inspite of fixing specific period for deciding the pending application, the order passed by this Court was not complied with by the learned Sub-Divisional Officer-II, Jaipur, hence, under these circumstances, the petitioner was compelled to again approach this Court by way of filing S.B. Writ Misc. Application No.82/2025 and the same was again decided by this Court on 15.05.2025 by passing the directions to the concerned SDO to decide the pending application within a period of one month from the date of decision. Learned counsel submits that while passing the aforesaid order, this Court passed a specific direction to the concerned SDO that if the order passed by this Court is not complied with, the same would be viewed seriously and appropriate orders would be passed against him for non-compliance of the order.

7. Learned counsel submits that again the matter was not decided within the time, so fixed by this Court, hence, under these circumstances, once again the petitioner, who is an old lady of the age of 70 years, approached this Court by way of filing the instant misc. application with the aforesaid multiple prayers. Learned counsel submits that under these circumstances, the petitioner has no hope of justice from the Court of Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur), where the application is presently lying pending. Therefore, in the interest of justice, it is prayed that the pending application be transferred to other competent Presiding Officer, i.e., Sub Divisional Officer-I Sanganer, Jaipur with the similar directions.





8. This Court vide order dated 31.10.2025 passed the following order in Paras 4, 5, 6 & 7:-

"4. While deciding the writ misc. application No. 82/2025 it was clearly and specifically observed by this Court that in case, the application submitted by the petitioner is not decided by the concerned SDO within a period of one month from that day i.e.15.05.2025, the Court would view the matter seriously and pass appropriate orders for non-compliance of the same.

5. Before passing appropriate orders, this Court deems it just and proper to call for an explanation from the Sub Divisional Officer before the next date with regard to the reasons for non-compliance of the orders dated 11.11.2024 and 15.05.2025.

6. The Registrar (Judicial) is directed to send a letter in compliance with this order to the SDO seeking his explanation.

7. List this matter on 17.11.2025."

9. The explanation of the Presiding Officer, i.e., Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) was called upon with regard to non-compliance of the two orders passed by this Court.

10. Pursuant to the aforesaid order dated 31.10.2025, the Presiding Officer, i.e., the Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) has furnished his explanation on 14.11.2025 to this Court wherein he failed to assign any reason as to why the earlier two orders passed by this Court have not been complied with by him in letter and spirit and instead he has simply mentioned that the next date for listing of the matter before him is 17.11.2025 and has further stated that final arguments would be heard on the aforesaid date and the judgment would be intimated to this Court.





11. This Court is not satisfied with the aforesaid explanation, so furnished by the Presiding Officer.

12. The aforesaid act of the learned Presiding Officer clearly amounts to a deliberate act of non-compliance of the orders/directions which were twice issued by this Court.

13. At this stage, learned counsel appearing on behalf of the petitioner apprised this Court that even after the aforesaid fixed date, i.e, 17.11.2025, the case came to be listed and deferred six times, i.e., 18.11.2025, 24.11.2025, 25.11.2025, 01.12.2025, 02.12.2025, 12.01.2026 and now the next date fixed for listing of the matter before the Presiding Officer is 17.02.2026.

14. It appears that Presiding Officer is not inclined to decide the pending application and is further not interested in complying with the directions/orders passed by this Court on earlier two occasions.

15. It is settled proposition of law that no one is above the law. The legal orders and judgments must be universally obeyed to uphold and maintain the majesty of law. No one can be allowed to defy the orders passed by the Courts at any cost. The Court orders are meant to be followed and the same is crucial for maintaining order and justice in the society.

16. When a Constitutional Court or any Court for that matter passes any order or issues any direction, every person or Authority, regardless of the rank, is duty bound to respect and comply with the said order. Disobedience of the orders passed by the Court attacks the very foundation of the rule of law, on which the entire democracy is based. In the present matter, the erring Presiding Officer was directed to submit his explanation as to why





a serious view should not be taken regarding his working/discharging of official duties vide order dated 31.10.2025. Even then, till date the orders dated 11.11.2024 and 15.05.2025 have not been complied with by him for the reasons best known to him.

17. The aforesaid act of the Presiding Officer is totally unwarranted because, he being a quasi judicial entity, is always supposed to follow the orders passed by the Court and comply with the directions, in a timely manner, as and when directed by the Court. But in any case, he cannot be allowed to sit over the matter for an indefinite period and deliberately flout the orders/directions issued by the Court. The failure of a quasi-judicial authority to comply with the orders issued by the Court definitely constitutes gross misconduct on his part. Such non-compliance undermines the rule of law and the judicial hierarchy, rendering the Presiding Officer concerned liable for the disciplinary proceedings.

18. This Court hastens to add that this Court is not taking a lenient view of the above situations so created by the Presiding Officer by not deciding the complaint submitted by the widow-petitioner, who is a Senior Citizen & old infirm lady for grant of maintenance and other prayers inspite of passing of clear and specific directions by this Court and she has been compelled to run from pillar to post for getting justice.

19. The object of the Act of 2007 is to ensure financial security, welfare and protection for the elderly senior citizen by making it a legal duty for their children/heirs to provide maintenance & protection of their property rights in a speedy manner.





20. Under the Act of 2007, the timeline for deciding the complaint is designed for rapid relief. The Maintenance and Welfare of Parents and Senior Citizens Tribunal is legally obliged to dispose of these applications strictly in timeline, generally within 90 days from the date of service upon the other side.

21. The instant case is a glaring example of its own kind where nothing has been done by the Presiding Officer except posting the matter from one date to another and not bothering to the directions twice issued by this Court to decide the pending matter within a period of 30 days. He is not expected to take the orders of this Court in a very callous and casual manner. In the considered opinion of this Court, some departmental action is required to be taken against the erring Presiding Officer by his appointing authority or the Department of Personnel, Govt. of Rajasthan.

22. However, before referring the matter for taking appropriate action against the Presiding Officer posted as Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) to his appointing authority, Jaipur, this Court deems it just and appropriate to call for his explanation to justify his misconduct as to why he has not taken the orders passed by this Court seriously which were passed twice, i.e., on 11.11.2024 and 15.05.2025 and till date he is deliberately posting the matter for final arguments and not complying with the aforesaid orders, for which the petitioner has twice approached this Court after the decision of the main writ petition. Let a show cause notice be issued to the Presiding Officer Mr. Vikas Prajapat, Deputy Collector & Magistrate, Jaipur II (Sanganer), Jaipur.





23. So far as the case in hand is concerned, under the critical facts and circumstances of the case, this Court deems it just and proper to transfer the pending application from the Court of Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) to the Court of Sub-Divisional Officer-I Sanganer, Jaipur with clear and specific direction to the latter to decide the pending application positively within a period of four weeks from the date of receipt of the complete record. The Deputy District Collector and Magistrate, Jaipur II, Sanganer, Jaipur/Sub-Divisional Officer-II, Sanganer, Jaipur is directed to handover the complete record of the instant case to the Sub-Divisional Officer-I, Sanganer Jaipur within a period of one week from the date of receipt of certified copy of this order, after intimating this fact as well as the next date of appearance before the Sub-Divisional Officer-I, Sanganer, Jaipur to the respective parties so that they have the knowledge of transfer of the instant case to the Court of Sub-Divisional Officer-I, Sanganer, Jaipur and the next date fixed in the matter before the Court.

24. With the aforesaid observations, the instant misc. application stands disposed of.

25. List this case on 12.02.2026 for a limited purpose to go through the explanation to be furnished by the Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) in the present matter. He is also directed to remain personally present on the said date.

26. Let a copy of this order along-with show cause notice, as ordered in the foregoing paragraph, be sent to the Presiding





Officer posted as Deputy District Collector & Magistrate, Jaipur II (Sanganer), Jaipur/Sub-Divisional Officer-II, Sanganer (Jaipur) for his intimation and necessary compliance.

27. Before parting with this order, it is made clear that the Sub Divisional Officer-I, Sanganer, Jaipur would decide the matter on its merits, strictly in accordance with law, within a period of four weeks, after providing due opportunity of hearing to all the parties concerned without being prejudiced by any of the observations, if any, made by this Court.

(ANOOP KUMAR DHAND),J

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