

under these Articles is larger in the case of high court inasmuch as while the Supreme Court can issue them only where a fundamental right has been infringed, a high court can issue them not only in such cases but also where an ordinary legal right has been infringed, provided a writ is a proper remedy in such cases, according to well-established principles. The petitioner should come to the court at the earliest reasonable possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction¹⁶. The extraordinary power must be exercised, sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and install confidence in investigations or where such an order may be necessary for doing complete justice and enforcing the fundamental rights.¹⁷ In *UOI v Rajasthan High Court*, AIR 2017 SC 101: (2017) 2 SCC 599 the Division Bench of the Rajasthan High Court in exercise of its *suo moto* powers under Article 226 of the Constitution issued a direction to the Union Government to include the Chief Justice and the judges of the high court in the list of persons exempted from pre-embarkation security checks. Setting aside the judgment of the Rajasthan High Court, the Supreme Court held that a *suo moto* exercise of the nature embarked upon the high court encroaches upon the domain of the Executive. The Supreme Court further held that the powers under Article 226 are wide enough to reach out to injustice wherever it may originate. But judges are expected to apply standards which are objective and well-defined by law founded on constitutional principles. The judgment of the Rajasthan High Court is an example of a matter where the court should not have entered.

Public interest litigation.— Following English and American decisions, our Supreme Court has admitted exceptions from the strict rules relating to affidavit *locus standi* and the like in the case of a class of litigations, classified as “public interest litigation” (PIL) i.e., where the public in general are interested in the vindication of some right or the enforcement of some public duty.¹⁸ The high courts also have started following this practice in their jurisdiction under Article 226,¹⁹ and the Supreme Court has approved this practice, observing that where public interest is undermined by an arbitrary and perverse executive action, it would be the duty of the high court to issue a writ.²⁰

The court must satisfy itself that the party bringing the PIL is litigating *bona fide* for public good. It should not be merely a cloak for attaining private ends of a third party or of the party bringing the petition. The court can examine the previous records of public service rendered by the litigant.²¹ An advocate filed a writ petition against the State or its instrumentalities seeking not only compensation to a victim of rape committed by its employees (the railway employees) but also so many other reliefs including eradication of anti-social and criminal activities at the railway stations. The Supreme Court held that the petition was in the nature of a PIL and the advocate could bring in the same for which no personal injury or loss is an essential element.²²

As the head of the Judiciary in the State, the high court has got an administrative control over the subordinate judiciary in the State in respect of certain matters, besides its appellate and supervisory jurisdiction over them. The Subordinate Courts include District Judges, Judges of the City Civil Courts as well as the Metropolitan Magistrates and members of the judicial service of the State.

The control over the judges of these Subordinate Courts is exercised by the high courts in the following matters —

(a) The high court is to be consulted by the Governor in the matter of appointing, posting and promoting District Judges [Article 233].