

Ravinder Dabas and ors Vs. the Registrar, High Court of Delhi and ors

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Court : Delhi

Decided On : Apr-16-2014

Judge : Manmohan

Appellant : Ravinder Dabas and ors

Respondent : The Registrar, High Court of Delhi and ors

Judgement :

\$~ * IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 1626/2014 & CM33892014 RAVINDER DABAS AND ORS Petitioners Through: Mr. Ram Jethmalani, Senior Advocate with Ms. P.R. Mala, Mr. Pranav Diesh and Mr. Karan Kalia, Advocates with petitioners in person. versus THE REGISTRAR, HIGH COURT OF DELHI AND ORS Respondents Through: Mr. Yogesh Saini and Mr. Kartik Jindal, Advocates for Mr. V.K. Tandon, Advocate for respondents No.1, 2 and 4 Reserved on :

13. h March, 2014 Date of Decision :

16. h April, 2014 % CORAM: HON'BLE MR. JUSTICE MANMOHAN

JUDGMENT

MANMOHAN, J:

1. Present writ petition has been filed with the following prayers:"(a) Quash the Speaking Orders dated 19.02.2014 and Final List dated 28/11/2013. (b) direct an

enquiry to be held by the Registrar or any other authority deemed appropriate by this Hon'ble Court to ascertain the basis on which the allotments have been made. (c) order the entire record of allotments to be seized forthwith and kept in safe custody so that no further fabrication of record can take place.

2. (d) stay operation of the final list of eligible applicants dated 29.11.2013 in Annexure-P-6. (e) pass any other further order as this Hon'ble Court may deem fit and proper in the interest of justice. The facts of the present case are that the petitioners being twenty-one in number are aggrieved by the Speaking Orders dated 19th February, 2014 and Final List dated 28th November, 2013 by virtue of which their applications for allotment of chambers in Rohini Court Complex had been rejected.

3. The reason given in the impugned order for rejecting the applications of petitioners was that the petitioners were not 'primarily practicing' in Rohini Court Complex.

4. Mr. Ram Jethmalani, learned senior counsel for petitioners submitted that since the petitioners had fulfilled the criteria of ten cases and fifty appearances as mentioned in the application form, they should all have been allotted a chamber.

5. Mr. Ram Jethmalani further submitted that the word 'primarily' means 'principally', it does not mean exclusively. He further stated that the selection committee had 'no business' to adopt the 'primarily practicing' criterion.

6. This Court in a similar case on the same cause of action has upheld the criterion of 'primarily practicing in Rohini Courts' adopted by the respondents. The relevant portion of the judgment in W.P.(C) 1131/2014 Yash Pal Sapra vs. Lawyers Chambers Allotment Committee Rohini Court Complex and Anr. is reproduced hereinbelow:- "7. In order to truly appreciate the issue at hand, Rule 11(b) of Rohini District Courts Lawyers Chamber (Allotment and Occupancy) Rules, 2011 has to be analysed. It reads as under:11) The advocates fulfilling all of the following conditions shall be eligible for consideration for allotment of chambers:xxxx xxxx xxxx xxxx b) The advocate must be primarily practicing at the Rohini Court Complex and should be permanent resident of National Capital

Territory of Delhi. (emphasis supplied) 8. The relevant portion of the Form for allotment of chamber reads as under:"18.(i) Please submit details of 50 courts appearances during the period w.e.f. 02.01.2006 till 28.02.2013 (Except Retd. Judicial Officers) (ii) Please submit details of at least ten cases/proceedings in which you have filed the vakalatnama as main counsel in any courts at Rohini Courts till 28.02.2013. (Except Retd. Judicial Officers) Sl. No.1 2 3 4 5 Particulars of cases Appeared and court for Last Date Next date (emphasis supplied) 9. The word 'primarily' means 'principally'. In the opinion of this Court, in the present context, it means 'predominantly' as opposed to occasionally.

10. Filing of vakalatnama in ten cases and fifty appearances at Rohini Court prescribes the minimum benchmark for determining whether an advocate is primarily practicing in Rohini Courts. The said criterion cannot be the sole eligibility criterion. After all, an advocate could have filed vakalatanama in ten cases and appeared in fifty cases in all the district courts of Delhi. But this would not mean that he is primarily practicing in all the district courts. In the opinion of this Court, under the aforesaid rule, one has to determine the court where an advocates practice is concentrated.

11. This Court is also of the view that the term 'primarily practicing' in Rohini Courts cannot and should not be interpreted in a narrow sense as has been suggested by the petitioner. Consequently, the condition in the application form is not the sole and exclusive criterion to determine whether one is primary practicing in Rohini Courts. The form lays down the minimalistic and not exhaustive test.

12. This Court is further of the view that the criterion of 'primarily practicing in Rohini Courts' adopted by respondent No.1 is founded on an intelligible differentia which has a rationale relation to the object sought to be achieved. The respondent No.1 is well within its powers to decide the yardsticks to be adopted in processing an application for allotment of chambers at Rohini Courts Complex."

7. Consequently, the aforesaid legal submission is devoid of merit.

8. However, a careful perusal of the paper book reveals that an additional ground has been raised in this petition. The petitioners in this case allege that the

Committee did not define the term 'Primary Practicing at Rohini Court' earlier but for the first time the Committee has relied upon the term to benefit and protect a few undeserving candidates. It is contended that allotments were initially made on the basis of fifty appearances and ten vakalatanamas only. The committee was therefore estopped from adopting a different test at a later stage.

9. In the petition, it is further stated that the Committee cannot adopt two different yardsticks, one for those who have already been allotted Chambers and another for those who have arbitrarily been declared ineligible on the basis of this impugned criteria.

10. In view of aforesaid, issue limited notice on the additional ground. Mr. V.K. Tandon, learned counsel accepts notice on behalf of respondents No.2 and 4. He prays for and is granted four weeks to file a counter affidavit. Rejoinder affidavit, if any, be filed before the next date of hearing. List on 19th August, 2014.
MANMOHAN, J APRIL16 2014 js

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