



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

Writ Petition (MD) Nos.13572 of 2013, 9428 of 2014 and 3383 of 2012

The Gandhigram Rural Institute,
Employees and Pensioners Association
(Regn. No.54 of 2012)

represented by its Secretary

S.Rajendran

No.15-12/43D, Co-operative Nagar,

Chinnalapatti,

Dindigul District.

... Petitioner in W.P.No.13572 of 2013

The Gandhigram Rural Institute,
Employees and Pensioners Association (GRIEPA)
(Regn. No.54 of 2012)

represented by its President,

M.Gurunathan

No.2-1-53/2, Thambi Thottam First Street,

Bharathi Nagar, Chinnalapatti,

Dindigul District 624 301. .. Petitioner in W.P.No.9428 of 2014

S.Rajendran

... Petitioner in W.P.No.3383 of 2012

Vs.

1.The Government of Tamil Nadu,
rep by its Joint Secretary,
Department of Higher Education,
Ministry of Human Resource Development,
New Delhi 110 001.

2.Ms.Renana Jhabvala,
Chancellor,
(Gandhigram Rural Institute - Deemed University, TN)
Chairperson - Sewa Bharat - 7/5 First
Floor,
South Patel Nagar,
New Delhi 110 008.

3.The Registrar,
Gandhigram Rural Institute,
Deemed University,
Gandhigram 624 302,
Dindigul District,
Tamil Nadu.

(R-3 impleaded as per order of this court

dated 11.09.2015 in

M.P.No.4/2013)

... Respondents in W.P.No.13572 of 2013



1. Government of India,
Rep by its Secretary,
Department of Higher Education,
Ministry of Human Resource Development,
Shastri Bhavan,
New Delhi 110 115.

2. University Grants Commission (UGC),
Rep by its Chairman,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

3. The Chancellor,
Gandhigram Rural Institute,
Deemed University,
Gandhigram 624 302.

4. The Gandhigram Rural Institute
Deemed University,
Rep by its Registrar,
Gandhigram 624 302.
Dindigul District.

5. S. Natarajan,
Vice Chancellor,
Gandhigram Rural Institute Deemed University,
Gandhigram 624 302. ... Respondents in W.P.No.9428 of 2014

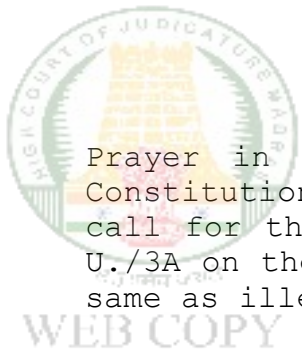
1. The Secretary,
Department of Higher Education,
Ministry of Human Resource Development,
Government of India, Shastri Bhavan,
New Delhi 110 115.

2. The Chairman,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg,
New Delhi 110 002.

3. The Secretary to Government,
Commercial Taxes and Registration Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

4. The District Registrar of Societies,
District Registration Department,
Round Road Pudhur,
Dindigul 624 005.

5. The Registrar,
Gandhigram Rural Institute,
Deemed University,
Gandhigram 624 302.
Dindigul District.



Prayer in W.P.No.13572/2013: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in F.No.8-4/2012-U./3A on the file of the Respondent No. 1 dated 30.03.2012 and quash the same as illegal.

Prayer in W.P.No.9428/2014: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 4th respondent's impugned notification vide ref.AS/VC/2014-2015 dated 27.5.2014 and quash the same as illegal unconstitutional and invalid.

Prayer in W.P.No.3383/2012: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the resolution NO.139/SE.2011.XI dated 18.11.2011 passed by the 5th respondent and the consequential amendment registered dated 24.01.2012 before the 4th respondent and quash the same as illegal arbitrary and without jurisdiction vested with it.

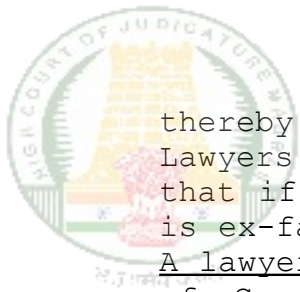
For Petitioner (In W.P.No.13572/2013)	: No appearance
For Petitioner (In W.P.No.9428/2014)	: No appearance
For Petitioner (In W.P.No.3383/2012)	: No appearance
For Respondents (In all W.Ps)	: No appearance

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

None appears for the petitioners on account of boycott. This shows that the learned counsels for the petitioners are not interested in conducting the case. It is a clear breach of the decision of the Hon'ble Supreme Court in Ex.Capt. Harish Uppal Vs. Union of India and another [2003 (2) SCC 45], wherein the Hon'ble Apex Court has held as follows:-

"20.Thus the law is already well settled. It is the duty of every Advocate who has accepted a brief to attend trial, even though it may go on day to day and for a prolonged period. It is also settled law that a lawyer who has accepted a brief cannot refuse to attend Court because a boycott call is given by the Bar Association. It is settled law that it is unprofessional as well as unbecoming for a lawyer who has accepted a brief to refuse to attend Court even in pursuance of a call for strike or boycott by the Bar Association or the Bar Council. It is settled law that Courts are under an obligation to hear and decide cases brought before it and cannot adjourn matters merely because lawyers are on strike. The law is that it is the duty and obligation of Courts to go on with matters or otherwise it would tantamount to becoming a privy to the strike. It is also settled law that if a resolution is passed by Bar Associations expressing want of confidence in judicial officers it would amount to scandalising the Courts to undermine its authority and



thereby the Advocates will have committed contempt of Court. Lawyers have known, at least since Mahabir Singh's case (supra) that if they participate in a boycott or a strike, their action is ex-facie bad in view of the declaration of law by this Court. A lawyer's duty is to boldly ignore a call for strike or boycott of Court/s. Lawyers have also known, at least since Roman Services' case, that the Advocates would be answerable for the consequences suffered by their clients if the non-appearance was solely on grounds of a strike call.

21. It must also be remembered that an Advocate is an officer of the Court and enjoys special status in society. Advocates have obligations and duties to ensure smooth functioning of the Court. They owe a duty to their client. Strikes interfere with administration of justice. They cannot thus disrupt Court proceedings and put interest of their clients in jeopardy. In the words of Mr. H. M. Seervai, a distinguished jurist:-

"Lawyers ought to know that at least as long as lawful redress is available to aggrieved lawyers, there is no justification for lawyers to join in an illegal conspiracy to commit a gross, criminal contempt of court, thereby striking at the heart of the liberty conferred on every person by our Constitution. Strike is an attempt to interfere with the administration of justice. The principle is that those who have duties to discharge in a court of justice are protected by the law and are shielded by the law to discharge those duties, the advocates in return have duty to protect the courts. For, once conceded that lawyers are above the law and the law courts, there can be no limit to lawyers taking the law into their hands to paralyse the working of the courts. "In my submission", he said that "it is high time that the Supreme Court and the High Court make it clear beyond doubt that they will not tolerate any interference from anybody or authority in the daily administration of justice. For in no other way can the Supreme Court and the High Court maintain the high position and exercise the great powers conferred by the Constitution and the law to do justice without fear or favour, affection or ill-will."

.....

.....

33. The only exception to the general rule set out above appears to be item (III). We accept that in such cases a strong protest must be lodged. We remain of the view that strikes are illegal and that Courts must now take a very serious view of strikes and calls for boycott. However, as stated above, lawyers are part and parcel of the system of administration of justice. A protest on an issue involving dignity, integrity and independence of the Bar and judiciary, provided it does not exceed one day, may be overlooked by Courts, who may turn a blind eye for that one day.

.....

35. In conclusion it is held that lawyers have no right to go on strike or give a call for boycott, not even on a token



strike. The protest, if any is required, can only be by giving press statements, TV interviews, carrying out of Court premises banners and/or placards, wearing black or white or any colour arm bands, peaceful protect marches outside and away from Court premises, going on dharnas or relay fasts etc. It is held that lawyers holding Vakalats on behalf of their clients cannot not attend Courts in pursuance to a call for strike or boycott. All lawyers must boldly refuse to abide by any call for strike or boycott.". (emphasis supplied)

2. In view of the law laid down by the Hon'ble Apex Court, we are inclined to dismiss the writ petitions. Accordingly, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Joint Secretary,
The Government of Tamil Nadu,
Department of Higher Education,
Ministry of Human Resource Development,
New Delhi 110 001.
2. The Chancellor,
(Gandhigram Rural Institute - Deemed University, TN)
Chairperson - Sewa Bharat - 7/5 First Floor,
South Patel Nagar,
New Delhi 110 008.
3. The Registrar,
Gandhigram Rural Institute,
Deemed University,
Gandhigram 624 302,
Dindigul District, Tamil Nadu.
4. The Chancellor,
Gandhigram Rural Institute,
Deemed University,
Gandhigram 624 302.
5. The Vice Chancellor,
Gandhigram Rural Institute Deemed University,
Gandhigram 624 302.
6. The Chairman,
University Grants Commission (UGC),
Sachin Tower, Sector 18, Connaught Place,
New Delhi 110 002.



7.The Secretary to Government,
Commercial Taxes and Registration Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

8.The District Registrar of Societies,
District Registration Department,
Round Road Pudhur,
Dindigul 624 005.

+1cc to M/s.D.Saravanan, Advocate SR.No.56994/15
+1cc to M/s.R.Nandakumar, Advocate SR.No.57444/15
+1cc to M/s.T.Lajapathi Roy, Advocate SR.No.57263/15
+1cc to M/s.B.Vijay Karthikeyan, Advocate SR.No.57630/15
+1cc to special Government Pleader SR.No.57315/15

sm:ARK:16.11.2015:6P/14C

Writ Petition (MD) Nos.13572 of 2013,
9428 of 2014 and 3383 of 2012
28.09.2015