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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No.8336/2015

K.R. CHITRA

..... Petitioner

Through: Petitioner in person.

Versus

SUPREME COURT LEGAL SERVICES
COMMITTEE & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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30.09.2015

1. The petitioner, an Advocate, in response to the invitation by the respondent No.1 Supreme Court Legal Services Committee (SCLSC) of applications from Advocates for being empanelled, claims to have in the year 2012 applied for empanelment as a panel Advocate with the respondent No.1 SCLSC. The petitioner passed the Advocate on Record (AOR) examination held by the respondent No. 2 Supreme Court of India in the year 2013 and thereafter applied to the respondent No.1 SCLSC for being empanelled in the AOR category.

2. The grievance of the petitioner is that neither has the respondent No.1 SCLSC taken any decision on the said application of the petitioner nor has given any response / reply whatsoever to the petitioner.

3. The petitioner availed of the provisions of Right to Information Act, 2005 in this regard and was, vide communication dated 10th June, 2015 of the respondent No.1 SCLSC informed that her application dated 17th January, 2014 was placed before the Chairman of the respondent No.1 SCLSC for consideration and the Chairman had been pleased to direct the same to be forwarded to the Sub-Committee for consideration and the report of the Sub-Committee was awaited.

4. The petitioner, in response to another RTI query, was on 26th January, 2015 furnished copy of the 53rd Meeting of the respondent No.1 SCLSC held on 25th November, 2014. In the said Meeting, the applications of Advocates for empanelment on the panel of the respondent No.1 SCLSC were considered and on the recommendations of the Sub-Committee, headed by a senior advocate of the Supreme Court, the respondent No.1 SCLSC empanelled the advocates mentioned therein. The name of the petitioner does not find mention therein. The petitioner was similarly furnished the minutes of the 51st Meeting of the respondent No.1 SCLSC held on 12th March, 2014

empanelling the Non-Advocates on Record, following the same procedure and in which also the name of the petitioner does not find mention.

5. This petition has been filed, seeking (i) a direction to the respondent No.1 SCLSC to inform to the petitioner the decision taken on her application alongwith reasons for keeping her application pending for a long time period; and (ii) direction to the respondent No.1 SCLSC and to the respondent No.2 to follow a transparent procedure for empanelling of Advocates.

6. The petitioner appearing in person has argued, (i) that she has, in response to the direction earlier issued in this proceeding, placed on record her application for empanelment; (ii) that she being an Advocate and an AOR, ought to have been empanelled with the respondent No.1 SCLSC; (iii) that there is no reason for the respondent No.1 SCLSC not empanelling the petitioner and (iv) that the respondent No.1 SCLSC should give reasons why it empanels one Advocate and does not empanel another.

7. Though the petitioner has also sought to urge the reforms which need to be carried out by the respondent No.1 SCLSC in this regard, but in my opinion the consideration of the present petition has to be confined to the

cause of action of the petitioner and this Bench cannot foray into the aspect of public interest and which is not the roster of this Bench.

8. I am of the view that the respondent No.1 SCLSC, as a client in need of legal assistance, has an absolute choice in the matter of appointment of Advocates. It cannot be said that the procedure adopted by the respondent No.1 SCLSC for empanelling Advocates is arbitrary. The appointment of Advocates is made by the respondent No.1 SCLSC, a broad based body shown to be comprising of the senior most Judge of the Supreme Court, Attorney General, Secretary General of Supreme Court, nominees of the Ministry of Finance, Ministry of Law & Justice and three senior advocates and two advocates of the Supreme Court on the recommendation of a Sub-Committee headed by a Senior Advocate of the Supreme Court. It thus cannot be said that the respondent No.1 SCLSC has not applied its mind or has acted impartially in the matter of appointment of or selection of its Advocates or in not opting to have the petitioner as its Advocate.

9. As far as the contention of the petitioner, of no reply having been given to her and / or of no reasons for appointment or non appointment having been communicated, is concerned, in my opinion the respondent No.1 SCLSC as a client in need of legal assistance, owes no duty to reply to such

applications or to give reasons for the selection made. If reasons were to be given, the same, in my view would be an affront to the dignity of a member of the Bar who has not been empanelled. The respondent No.1 SCLSC, though as a client of legal services, is entitled to choose its Advocate but has no right to comment on the professional capability of any Advocate and which it would necessarily have to do while rejecting the applications of those who are not selected for empanelment.

10. The petitioner is also not found to be having any right, merely by being an Advocate / Advocate on Record, to thrust her professional services on an unwanting client. Supreme Court in ***R.D. Saxena Vs. Balram Prasad Sharma*** (2000) 7 SCC 264 held that a litigant must have freedom to change his Advocates when he feels that the Advocate is not capable of espousing his case efficiently or that the conduct of the Advocate is prejudice to the interest involved in the *lis* or any other reason. Rather, the action of an Advocate of soliciting briefs from a Court is considered against the etiquette of the bar. Reference in this regard may be made to ***In Re: Mr. A, an Advocate*** MANU/SC/0025/1961 holding the action of writing letters offering services as an Advocate on Record to be in utter disregard of position as an Advocate and in breach of rules of professional ethics and not

befitting a member of the profession of law. Action of soliciting a brief was held to be highly improper.

11. The petitioner at this stage states that she having a cause of action cannot file a Public Interest Litigation (PIL) to set right the malady in the appointments of Panel Advocates by respondent No.1 SCLSC. However, she at the same time states that she does not want to pursue her application for empanelment with the respondent No.1 SCLSC. The petitioner, by stating that she is not interested in empanelment with the respondent No.1 SCLSC, is well capable of filing a PIL if so desires.

12. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 30, 2015
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