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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6946/2014

SARITA RANI GARG

..... Petitioner

Through: Mr. Avinash Kumar Sharma, Advocate.

versus

THE ROHINI DISTRICT COURT LAWYERS

CHAMBERS ALLOTMENT COMMITTEE

..... Respondent

Through: M r. Naushad Ahmed Khan, Advocate
with Ms. Astha Nigam, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

02.03.2016

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Present writ petition has been filed with the following prayers:-

- “a) Direction be given to the respondent (Committee of Rohini Courts Lawyers’ Chambers) to allot chamber in the name of the petitioner.*
- b) Admit the name of the Petitioner in the allotment list.*
- c) Pass any other order/s as this Hon’ble Court deems fit and proper in the fact and circumstances of the present case in the favour of the Petitioner and against the Respondent.”*

Learned counsel for petitioner states that as the petitioner fulfils the eligibility criteria stipulated in Para 18(i) of Form issued under Rule 11(b) of the Rohini District Courts Lawyers’ Chambers (Allotment and Occupancy) Rules, 2011, the petitioner has been wrongly denied a chamber in the Rohini Courts Complex.

The issue raised by the petitioner is no longer res integra. This Court in ***Yash Pal Sapra vs. Lawyers Chambers Allotment Committee Rohini Court Complex and Anr., W.P.(c) 1131/2014*** has held as under:-

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:-

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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.	Particulars of cases and court	Appeared for	Last Date	Next date
1				
2				
3				
4				
5				

(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 vakalatnama 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 advocate's 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.*

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14. *One must also not forget that in the present case it is a Committee comprising bar and the bench members that has determined whether an advocate is primarily practicing in a particular court or not. On a perusal of the impugned order, it is apparent that the said Committee was of the unanimous opinion that petitioner was not 'primarily practicing at Rohini Courts.'*

Consequently, the finding of respondent-Committee which comprises both the Bar and Bench members warrants no interference in the writ proceedings. It can only be rebutted by the petitioner by leading evidence in a civil Court.

Accordingly, whether the petitioner is primarily practicing in Rohini Courts or not is a question of fact. The petitioner is given liberty to challenge the factual finding of the respondent-Committee by filing a civil suit.

With the aforesaid liberty, present writ petition stands disposed of.

MANMOHAN, J

MARCH 02, 2016

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