

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 2051 of 2016
Decided on : 01.11.2017**

Arjun Sheoran

. . . Petitioner

Versus

High court of Punjab and Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

PRESENT: Petitioner in-person.

Ms. Rameeza Hakeem, Addl. AG, Punjab.

Mr. Sandeep Moudgil, Addl. AG, Haryana.

Mr. Kuldeep Sheoran, Advocate for
Mr. Amit Khatkar, Advocate
for respondent No.4.

Mr. R.S. Randhawa, Advocate
for respondent No.6.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner in this writ petition filed under Article 226 of the Constitution of India, prays holding the rules framed by the Punjab and Haryana High Court under Section 16(2) of the Advocates Act, 1961 (in short 'Act of 1961'), which are stated to be not in consonance with the letter and spirit of the Act of 1961 and further, in violation of Articles 14, 19, 21 of the Constitution of India, being ultra vires of the Constitution of India. In addition to above, certain other prayers have also been made.

2. Learned counsel for the respondents state that the identical issue has been adjudicated by the Apex Court on **12th October, 2017**, in **Writ Petition (C) No. 454 of 2015**, titled as “**Ms. Indira Jaising Vs. Supreme Court of India through Secretary General and others**”.

Wherein, in para 35, it has been concluded as under:-

“35. It is in the above backdrop that we proceed to venture into the exercise and lay down the following norms/guidelines which henceforth would govern the exercise of designation of Senior Advocates by the Supreme Court and all High Courts in the country. The norms/ guidelines, in existence, shall be suitably modified so as to be in accord with the present.

I. All matters relating to designation of Senior Advocates in the Supreme Court of India and in all the High Courts of the country shall be dealt with by a Permanent Committee to be known as “Committee for Designation of Senior Advocates”;

II. The Permanent Committee will be headed by the Hon’ble the Chief Justice of India and consist of two senior-most Judges of the Supreme Court of India (or High Court(s), as may be); the learned Attorney General for India (Advocate General of the State in case of a High Court) will be a Member of the Permanent Committee. The above four Members of the Permanent Committee will nominate another Member of the Bar to be the fifth Member of the Permanent Committee;

III. The said Committee shall have a permanent Secretariat the composition of which will be decided by the Chief Justice of India or the Chief Justices of the High Courts, as may be, in consultation with the other Members of the

Permanent Committee;

- IV. All applications including written proposals by the Hon'ble Judges will be submitted to the Secretariat. On receipt of such applications or proposals from Hon'ble Judges, the Secretariat will compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate(s) concerned including his/her participation in pro-bono work; reported judgments in which the concerned Advocate(s) had appeared; the number of such judgments for the last five years. The source(s) from which information/data will be sought and collected by the Secretariat will be as decided by the Permanent Committee;*
- V. The Secretariat will publish the proposal of designation of a particular Advocate in the official website of the concerned Court inviting the suggestions/views of other stakeholders in the proposed designation;*
- VI. After the data-base in terms of the above is compiled and all such information as may be specifically directed by the Permanent Committee to be obtained in respect of any particular candidate is collected, the Secretariat shall put up the case before the Permanent Committee for scrutiny;*
- VII. The Permanent Committee will examine each case in the light of the data provided by the Secretariat of the Permanent Committee; interview the concerned*

Advocate; and make its overall assessment on the basis of a point-based format indicated below:

<i>S. No.</i>	<i>Matter</i>	<i>Points</i>
<i>1.</i>	<i>Number of years of practice of the Applicant Advocate from the date of enrolment.</i> <i>[10 points for 10-20 years of practice; 20 points for practice beyond 20 years]</i>	<i>20 points</i>
<i>2.</i>	<i>Judgments (Reported and unreported) which indicate the legal formulations advanced by the concerned Advocate in the course of the proceedings of the case; pro bono work done by the concerned Advocate; domain Expertise of the Applicant Advocate in various branches of law, such as Constitutional law, Inter-State Water Disputes, Criminal law, Arbitration law, Corporation law, Family law, Human Rights, Public Interest Litigation, International law, law relating to women, etc.</i>	<i>40 points</i>
<i>3.</i>	<i>Publications by the Applicant Advocate</i>	<i>15 points</i>
<i>4.</i>	<i>Test of Personality & Suitability on the basis of interview/interaction</i>	<i>25 points</i>

VIII. All the names that are listed before the Permanent Committee/cleared by the Permanent Committee will go to the Full Court.

IX. Voting by secret ballot will not normally be resorted to by the Full Court except when unavoidable. In the event of resort to secret ballot decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.

X. All cases that have not been favourably considered by the Full Court may be reviewed/reconsidered after

expiry of a period of two years following the manner indicated above as if the proposal is being considered afresh;

XI. In the event a Senior Advocate is guilty of conduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation the Full Court may review its decision to designate the concerned person and recall the same;”

3. In view of the above, petitioner, who appears in-person submitted that he may be allowed to withdraw the present writ petition.

4. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

November 01, 2017

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No