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

+ W.P.(C) 11084/2017

SHOEB SKAKEEL

..... Petitioner

Through: Mr J. P. Sengh, Sr. Advocate with Mr Vishal Raj Sehjipal, Mr Shahid Ali, Ms Manisha Mehta and Ms Vaishali Panwar, Advocates alongwith petitioner in person.

versus

LAWYERS CHAMBERS ALLOTMENT

COMMITTEE SAKET AND ANR.

..... Respondents

Through: Mr D. Rajeshwar Rao, Mr Abhinav Sraivastava and Mr Pramod Saxena, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.01.2018

1. The petitioner is an advocate and claims to be practicing in the Courts at Saket Court Complex.
2. The petitioner was enrolled with the Bar Council of Delhi on 18.12.2000 under enrolment no.1534/2000.
3. The petitioner applied for allotment of a chamber (by an application being no.714) pursuant to a Notification dated 26.05.2014 inviting such applications.

4. As per the criteria fixed, the petitioner was required to file documents along with his application to establish that he was the main counsel in atleast fifteen cases instituted in Courts at Saket Court Complex.

5. In order to comply with the aforesaid criteria, the petitioner enclosed certified copies of 15 order sheets in 15 cases. In one of the cases captioned ***State v. Javed***, the petitioner's name was not mentioned and the order sheets only recorded the appearance as "counsel for the accused". In order to establish that the petitioner had appeared in the said case, the petitioner also filed a copy of the *vakalatnama* in respect of the said case along with his application for a chamber. The said *vakalatnama* also bears the signatures of another lawyer - Mr Akil Minhaz - who the petitioner states was his junior at the material time.

6. As per the criteria considered by the respondents, a *vakalatnama* jointly signed by two or more persons was not considered sufficient to establish that any one of the advocates named therein was the main counsel in that case. Accordingly, the petitioner's application was rejected as not meeting the requisite criteria.

7. Mr J. P. Sengh, learned senior counsel appearing for the petitioner does not seek to challenge the criteria or the methodology adopted by the respondents. He, however, states that the *vakalatnama* furnished by the petitioner ought to have been considered as establishing that the petitioner was a main counsel, as the client's signatures had been identified only by the petitioner and not by Mr Akil Minhaz who had also signed the *vakalatnama*.

8. Mr Sengh stated that in cases where a joint *vakalatnama* had been filed, the applicant could establish that he/she was the main counsel in the

particular case by enclosing pleadings/affidavits signed singly. He contended that in such cases the respondents had accepted the advocate signing the pleading or identifying the client, as a main counsel. He also drew the attention of this Court to the case of one Mr Dilshad Ahmad, which was considered by the Sub-Committee on 27.11.2017. Mr Dilshad Ahmad had also filed a copy of a *vakalatnama*, which was jointly signed by another advocate and therefore, his application was rejected. However, Mr Dilshad Ahmad's representation was accepted as he had also filed a copy of the petition as well as the affidavits supporting the same in the case in question. While, the petition was also jointly signed by two advocates, the deponent of the affidavit supporting the petition was identified only by Mr Dilshad Ahmed. The Allotment Committee accepted this as sufficient evidence to establish that Dilshad Ahmad was the main counsel in the case in question. Mr Sengh states that the petitioner's case ought to have been considered on parity with the case of Mr. Dilshad Ahmad.

9. Although, the petitioner has established by documents submitted subsequent to filing the application that he was the main counsel in fifteen cases including in the case of ***State vs Javed***, such documents were rightly ignored by the Allotment Committee as they were not filed by the petitioner along with his application. The petitioner's case was required to be considered only on the basis of documents filed along with his application as was done by the Allotment Committee. Indisputably, the *vakalatnama* filed by the petitioner along with his applications has been co-signed by another advocate and thus could not have been considered as establishing that the petitioner was the main counsel in the matter in question. However, the

Allotment Committee seems to have ignored that the client in that case had been identified only by the petitioner as is apparent from the *vakalatnama* in question. As stated above, the Allotment Committee had considered identification of a client by an advocate to be sufficient for the said advocate to be considered as the main counsel in that case. This is also not disputed by the learned counsel appearing for the respondents.

10. In view of the above, the petitioner ought to have been considered as the main counsel in the case of ***State v. Javed***, as the signatures of the client therein on the *vakalatnama* had been identified only by the petitioner and not by any other advocate.

11. In view of the above, the petition is allowed. The respondents are directed to include the name of the petitioner in the list of candidates eligible for allotment of chambers as per the petitioner's seniority.

VIBHU BAKHRU, J

JANUARY 03, 2018
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