

\$~167

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

Date of Decision: 24.01.2020

+ LPA 12/2020

RAJESH KUMAR BIDHURI

..... Appellant

Through: Mr.Rakesh Kumar, Adv. with
Ms.Surbhi Gupta, Adv.

Versus

**LAWYERS CHAMBERS ALLOTMENT
COMMITTEE & ANR**

..... Respondents

Through: Mr.Sanjay Dewan, Adv. for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM No. 1009/2020

This application has been preferred for condonation of delay of 22 days in preferring the appeal.

Having heard the counsel for the appellant and looking into the reasons stated in the application, there are reasonable grounds for condonation of delay. We hereby condone the delay of 22 days in preferring the appeal.

The application is allowed and disposed of.

LPA 12/2020

1. The present appeal has been preferred by the original petitioner whose

W.P.(C) 1354/2018 was dismissed by the learned Single Judge *vide* judgment and order dated 7th November, 2019 whereby the prayer of this appellant (original petitioner) for allotment of a chamber at Saket District Court, New Delhi was not accepted by the learned Single Judge and hence the original petitioner has preferred the present Letters Patent Appeal.

2. Having heard the counsel for both sides and looking to the facts and circumstances of the case, it appears that the Lawyers' Chambers Allotment Committee had not approved the application of this appellant dated 23rd August, 2014 for allotment of a chamber at Saket District Court, New Delhi.

3. The scrutiny of the aforesaid application of the appellant was carried out by the Lawyers' Chambers Allotment Committee of Saket District Court, New Delhi and the same was not found eligible and hence the chamber was not allotted to the appellant.

4. As per minutes of meeting dated 24th May, 2014 of Lawyers' Chambers Allotment Committee, the criteria for allotment of a chamber at Saket District Court, *inter alia*, provides as under:

“That as suggested by the Sub-Committee, the application form be suitably modified so as to require submission of certified copies of proceedings relating to minimum 15 cases of South or South-East District courts at Saket as proof of appearance of the applicant as main counsel in support of the claim of eligibility being in practice at Saket District Courts. The format of the application to be used for this exercise, accordingly finalized, is attached to these minutes as Form-SA-I (Annexure-A).”

5. In view of the aforesaid criteria, in 15 cases the appellant was

required to appear as a main counsel. However, the said criteria was not satisfied as per the Lawyers' Chambers Allotment Committee report. It further appears from the facts of the case that upon representation by several advocates, the aforesaid criteria was slightly liberalised. The liberalised criteria was finalised in subsequent meeting held on 5th September, 2017 (page 243 to the memo of this appeal). As per the minutes of the meeting dated 5th September, 2017, this appellant was not fulfilling the said criteria which prescribes that in calculation of the 15 judgments, vakalatnama exclusively filed by the appellant shall also be considered. Looking to the vakalatnamas of this appellant, none of them was found to be signed exclusively by this appellant.

6. Thus, only in 11 judgments, the name of this appellant was found as a main counsel. Thus, the present appellant neither fulfilled the criteria specified in the minutes dated 24th May, 2014 nor the liberalised criteria finalised as per the minutes dated 5th September, 2017 (page 243).

7. Moreover, initially this appellant had also not annexed with his application 'No Objection Certificate' from Delhi High Court Bar Association for allotment of chamber in Saket District Court, New Delhi. However, the said 'No Objection Certificate' was provided later on.

8. Thus, in view of the aforesaid facts, no error has been committed by the learned Single Judge while deciding W.P.(C) 1354/2018 *vide* judgment and order dated 7th November, 2019. Already liberty has been given to this appellant (original petitioner) by the learned Single Judge to prefer a fresh application with proper annexures and if this appellant is fulfilling the

criteria prescribed by a Lawyers' Chambers Allotment Committee of Saket District, New Delhi, the same shall be considered by the Lawyers' Chambers Allotment Committee of Saket District, New Delhi along with other applications in accordance with the rules governing allotment of chambers. As this direction has already been given by the learned Single Judge, we see no reason to give further directions to the respondents in this regard.

9. At this stage, learned counsel for the appellant submitted that the appellant has already preferred a fresh application for allotment of chamber and therefore respondents may be directed to maintain his seniority while considering the said application. We leave it to the wisdom of respondent - Lawyers' Chambers Allotment Committee to give a suitable seniority to this appellant in accordance with Chamber Allotment Committee rules, regulations and policy.

10. With the aforesaid observations, this appeal is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 24, 2020

ns