

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

CWP-4406-2021

Date of Decision:-26.02.2021

Monika Dudani Mehtab

... Petitioner

Versus

Punjab and Haryana High Court

... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Petitioner-Ms. Monika Dudani Mehtab in person.

Mr. Ranjit Singh Kalra, Advocate
for the respondent.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioner has filed the present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing of impugned certificate dated 17.2.2021 (Annexure P-1) issued by the respondent, it being not in consonance with realism regarding the length of her actual practice before this High Court. She further made prayer in the nature of mandamus to direct the respondent to issue proper certificate regarding length of actual practice and character of the petitioner.

The case of the petitioner in brief is that she is a practicing Lawyer, enrolled with Bar Council of Delhi vide enrolment No.D/3311/2012. The experience certificate dated 12.2.2021 (Annexure P-2) has been issued in the name of the petitioner by the said Bar Council. Owing to the professional commitments of the petitioner's husband, she is having her abode in Delhi as well as in Chandigarh. She has been regularly appearing before this High Court as an Advocate since November, 2012 as is evident from catalogue (Annexure P-3) downloaded from the official website of the Court. The copies of some of the judgments pronounced in the cases filed and argued by the petitioner in this High Court are annexed as Annexure P-4 (collectively). The petitioner's standing at the Bar is over 8 years. The petitioner aspires to appear in competitive examination for direct recruitment to the cadre of District Judge 2020 regarding which applications have been called by the Rajasthan High Court at Jodhpur and last date of submission of applications is 27.2.2021. With regard to the same, she approached the respondent vide application dated 10.2.2021 (Annexure P-6) for issuance of '*character and length of actual practice certificate*', in the format as prescribed by the Rajasthan High Court vide Notification dated 5.1.2021 (Annexure P-5). In response to the same, the respondent issued impugned certificate (Annexure P-1), which states as follow:-

“.....She has been ordinarily and continuously practicing in this High Court for the last 02 years i.e. from 24.07.2018 till today...”

The said certificate is totally wrong as the petitioner has actual experience as a practicing lawyer for a period of more than 8 years. She is entitled to get new certificate showing her actual experience as an Advocate.

Mr. Ranjit Singh Kalra, Advocate who was having advance copy of the petition, appeared on behalf of the respondent. Short reply to the writ petition on behalf of the respondent was filed, contesting the claim of the petitioner.

We have heard the petitioner and the counsel for the respondent.

The petitioner submitted that she is practicing as a lawyer since 2012 and enrolled with Bar Council of Delhi vide enrolment No.D-3311/2012 and on the basis of same the Bar Council of Delhi issued experience certificate dated 12.2.2021 (Annexure P-2) to her. However, when she made request to the respondent to issue similar certificate regarding her experience as a practicing lawyer in this High Court, she was issued impugned certificate showing her experience at 'Bar' to be that of two years only. The impugned certificate is dated 17.2.2021. While assailing the said certificate, the petitioner referred to different judgments and orders Annexure P-4 (collectively) spanning from February 2013 to October 2019, wherein she appeared as an Advocate on behalf of the petitioner(s) (therein). She further contended that she is having continuous experience of more than eight years as a practicing Lawyer in this High Court. The petitioner further contended that the proper certificate with regard to her experience and character be issued by the respondent in place of impugned certificate (Annexure P-2).

On the other hand, the counsel for the respondent submitted that she enrolled with Punjab and Haryana High Court Bar Association on 24.7.2018 and on the basis of the said enrolment, she was issued experience certificate by the said Bar Association on 9.2.2021 (Annexure P-7). The certificate in question Annexure P-1 has been issued by the official of the respondent on the basis of aforesaid experience issued by the Punjab and Haryana High Court Bar Association. The counsel for the respondent further contended that there is nothing wrong in the said certificate, which is based on the fact that the petitioner became regular member of the aforesaid Bar Association only on 24.7.2018. It was prayed that the writ petition deserves to be dismissed being totally misconceived.

We have considered rival submissions addressed by the parties.

Legal profession is regulated by the Advocates Act, 1961. The petitioner is a practicing lawyer and thus is governed by the Advocates Act, 1961. In that sense, it was not obligatory on the part of the respondent to issue her any such certificate, as was requested by her. It is only Bar Council/Bar Association of the State/High Court, where she is practicing, is obligated to issue such experience/character certificate. Apart from this, the petitioner has failed to brought to the notice any provision of Punjab and Haryana High Court Rules and Orders, under which this Court could issue such certificate to any practicing lawyer with regard to his/her experience and character.

From perusal of Annexure P-2, it appears that the petitioner was enrolled as an Advocate with Bar Council of Delhi on 31.10.2012. As per Annexure P-7, the petitioner enrolled as regular member of Punjab and

Haryana High Court Bar Association on 24.7.2018 and accordingly the President of the said Bar Association issued the aforesaid certificate (Annexure P-7), showing her experience w.e.f. 24.07.2018. The impugned certificate has been issued /countersigned only on the basis of the certificate (Annexure P-7) issued by the Punjab and Haryana High Court Bar Association. The impugned certificate states as follows:-

“..... the petitioner has been ordinarily and continuously practicing in this High Court for the last 2 years i.e. from 24.7.2018 till today and possess good character.”

No mechanism is available with the respondent to verify personal data of any practicing lawyer. No ‘Roll of Advocates’ is prepared/maintained by the respondent. Even “Advocate on Record” system is not prevalent in this High Court. So the impugned certificate has been issued/countersigned by the official of this Court on the basis of certificate (Annexure P-7) issued by the Punjab and Haryana High Court Bar Association. We do not find any infirmity in the same.

In the light of the above, we are of the view that no ground is made out to interfere in this matter. Consequently, the writ petition is hereby dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

26.02.2021
Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No