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

Date of Decision: 14th October, 2024

+ **W.P.(C) 12611/2024**

ANITA GUPTA SHARMA

.....Petitioner

Through: Mr. Puneet Mittal, Senior Advocate with Mr. Rajeev Kumar Sharma, Mr. Dharam Vir, Mr. Rahul Gupta, Mr. R. P. Singh and Mr. Sameer Vatts, Advocates with Petitioner in person.

versus

CHAMBER ALLOTMENT COMMITTEE & OTHERS

.....Respondents

Through: Dr. N. Pradeep Sharma, Mr. Devender Kumar, Mr. Naresh Kumar, Ms. Vidhi Gupta and Ms. Kiran Sharma, Advocates for R-4 with R-4 in person.
Mr. Rajesh Kumar Passey, R-5 in person.
Mr. Satyakam, ASC with Mr. Harsh Kumar Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The instant petition challenges the decision of the Chamber Allotment Committee, Saket District Courts,¹ regarding the re-allotment of Chamber No. 103 on a double-occupancy basis within the Saket Court Lawyers

¹ "the Allotment Committee"/ "the Committee"

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Chamber Block. The chamber was previously allocated to Mr. Jagat Singh Basta and Mr. Vinod Gupta, Advocates. Over time, Mr. Basta became eligible for an upgrade to a single occupancy chamber under Saket District Court Lawyers' Chambers (Allotment and Occupancy) Rules, 2010. Unfortunately, Mr. Gupta passed away and consequently, Chamber No. 103 became vacant and available for re-allotment. The Petitioner now seeks redress, claiming that the said Chamber was re-allotted to Mr. Jitender Singh, Respondent No. 4 and Mr. Rajesh Passey, Respondent No. 5 without due consideration of her application.

Petitioner's Background and Claim:

2. Mr. Puneet Mittal representing the Petitioner, a practicing advocate, submits that she has been actively engaged in legal practice at Saket District Court since 2010 and was one of the founding members of the Bar Association at the said Court. Prior to this, she practiced at Patiala House Court. Presently, the Petitioner shares Chamber No. 608 on a double-occupancy basis with her husband, Mr. Rajiv Kumar Sharma, who is also an advocate.

3. The Petitioner seeks a transfer from Chamber No. 608 to Chamber No. 103, citing pressing personal circumstances. She highlights that both she and her husband, Mr. Rajiv Kumar Sharma, are facing significant health challenges. The Petitioner suffers from multiple ailments, while her husband suffered a brain stroke on 29th May, 2022, necessitating continuous medical care and attention. In addition, he is dealing with other chronic health conditions, including high blood pressure and thyroid disorders.

4. The Petitioner contends that despite her long-standing association with Saket Courts and active participation in its affairs, the Chamber



Allotment Committee has unfairly denied her the opportunity to secure Chamber No. 103. She submits that the vacancy of Chamber No. 103 was filled in an arbitrary and opaque manner, bypassing the established procedures, as reflected in the minutes of the meeting dated 30th July, 2024. To support her claims, she places reliance on the notice dated 24th April, 2024, issued by the Office of the Principal District and Sessions Judge (South), Lawyers' Chambers Allotment Cell which announced the availability of 16 slots in chambers of double occupancy basis, arising either from the surrender or death of the previous allottees, for allotment under the "Initial Allotment" category. The said notice further specified that the Chamber Allotment Committee had prepared List D-37 (Initial Allotment), containing the names of 16 advocates eligible for double-occupancy chambers, based on their seniority, and offered provisional allotment of the chambers to them, subject to fulfilment of specified conditions.

5. It is further urged that the allotment of Chamber No. 103 is *per se* illegal, as her application, which was based on medical grounds, was not even considered by the Chamber Allotment Committee. She emphasizes that no public notice was issued with respect to the vacancy in Chamber No. 103, depriving other eligible advocates, including herself, of the opportunity to apply for re-allotment. The Petitioner questions the suspicious timing of the decision, pointing out that it is highly unusual for the chamber to fall vacant and be allotted on the same day, without affording a fair chance for others to express interest in the allotment.

Contentions of the Respondents

6. On the other hand, Dr. N. Pradeep Sharma, President of the Dwarka



Court Bar Association,² argues that the present matter pertains to the exchange or swapping of chambers and not a typical re-allotment process. He submits that the established practice within the DCBA has always been that requests for exchange of chambers are considered based on representations received from advocates. These requests are then evaluated by the Chamber Allotment Committee in accordance with seniority and availability, ensuring transparency and fairness. In the present case, as reflected in the minutes of the meeting dated 30th July, 2024, the request to allot Chamber No. 103 was made by Respondents No. 4 and 5, who had submitted their application much earlier in time than the Petitioner. Since no request from the Petitioner was pending before the Committee at that point, there was no scope to consider her claim for the chamber in question. Dr. Sharma further emphasizes that it is undisputed that the Petitioner's request for an exchange of chambers was submitted only after the impugned decision of 30th July, 2024. He maintains that by the time the Petitioner expressed her interest, Chamber No. 103 had already been duly allotted to Respondents No. 4 and 5, following the Committee's standard procedure. Dr. Sharma emphasizes that the allocation was made in accordance with the principles of seniority, as Respondents No. 4 and 5 are senior advocates compared to the Petitioner, giving them a better claim to the chamber under the prevailing Rules. He submits that the Committee's decision was consistent with the existing practice and was neither arbitrary nor in violation of any Rules governing the allotment process.

7. Counsel for Respondent No. 4, along with Mr. Rajesh Kumar Passey,

² "DCBA"



who appears in person on behalf of himself, supplement the submissions of Dr. Sharma by contending that the present writ petition is misconceived and not maintainable. They argue that no writ petition can be entertained against a Bar Association in matters pertaining to the allotment of chambers, as these decisions fall exclusively within the internal administrative domain of the Bar Association and the Allotment Committee. They further assert that the applications and representations submitted by them were duly considered by the Committee, following the consistent practice applied in the exchange of chambers. It is emphasized that the process was carried out in accordance with the internal norms and guidelines that govern such matters. The Respondents argue that their applications were considered on merit and in line with the seniority-based approach adopted by the Bar Association for chamber allocations.

Analysis and Findings

8. The Court has carefully considered the afore-noted contentions and reviewed the record, particularly the impugned decision of the Chamber Allotment Committee dated 30th July, 2024. The primary issue in the present case pertains to the allocation of Chamber No. 103, which became vacant owing to certain extenuating circumstances—namely, the upgradation of one of the original allottees to a single occupancy chamber, and the unfortunate demise of the other. This led to the chamber being identified for reallocation, a decision that was taken by the Committee in the meeting held on 30th July, 2024, which reads to the following effect:

<u>“Allotment of Vacant Chambers (Double Occupancy Chamber)”</u>		
18	<u>Fresh Vacancy</u>	<u>Vacancy of 2nd Slot in chamber no. 103</u>
	1) 103/2	<i>Vide note dated 26.07.2024 of General Branch, vacancy of above mentioned</i>
	2) 103/1	



3) 224/2 4) 225/1 5) 231/1 6) 248/1 7) 253/1 8) 336/1 9) 544/1 (unoccupied due to death of allottee) 10) 555/2	chamber has been received as deemed possession due to non response from next kin of allottee (since deceased). An application from Ms. Baby Gupta, w/o allottee, late Sh. Vinod Kumar Gupta, Advocate, dated 31.05.2024 to waive off the pending dues w.e.f. 01.01.2022 has been placed along with the note. Vacancy of said slot in chamber no. 103 be taken on record for allotment.
	The matter has been considered and on the request of bar executives pending dues are unanimously Waived off. <u>Vacancy of slot in chambers listed at SI. No, 2 to 7 of Agenda</u> The abovementioned slots in chambers are vacated on up-gradation from double occupancy to single occupancy as per the Minutes of Meeting dated. 01.06.2024 of this committee: All the six (6) slots in chambers of Double Occupancy basis be taken on record as vacant for allotment. <u>Vacancy of 1st slot in chamber no.336</u> Vide MoM dated 01.06.2024 the abovementioned slot was cancelled, accordingly advocate/ allottee of said slot i.e. 1st slot in chamber no. 336, Sh. Raghunath K. Menon was required to surrender the chamber and to clear dues of chamber pending since, January, 2023. Despite receipt of letter neither he surrendered the chamber nor clear his pending dues of chamber. Considering the same, deemed possession of said slot has been taken. 1st slot in chamber no. 336 be taken on record for allotment. Sh. Raghunath K. Menon, Advocate, be required to clear his dues of chamber. Office to take action. <u>Vacancy of 1st slot in chamber no.544</u> Said slot in chamber no. 544 was allotted to Sh. Sunil Kumar, Advocate, as fresh allotment vide MoM dated 01.06.2024.



	As per information vide letter dated 06.06.2024 from SBA the allottee has expired and his membership of SBA has been deleted. Death certificate of allottee couldn't secure despite correspondence made to his next kin Considering the fact, that his membership has been deleted, said allotment stands cancelled. 1st slot in chamber no. 544 be taken on records as vacant for allotment: <u>Vacancy of 2nd slot in chamber no. 555</u> Sh. Om Kumar Sharma, Advocate, allottee of 2nd slot in chamber no. 555 has been reported to be expired. Vide note dated 26.07.2024 vacancy of above said chamber has been received as deemed possession due to non- response from next kin of allottee (since deceased). An application from Ms. Manju Sharma, w/o allottee, late Sh. Om Kumar Sharma, Advocate, dated 02.07.2024 to waive off the pending dues w.e.f. April, 2018 has been placed alongwith the note. Vacancy of said slot in chamber no. 555 be taken on record for allotment. The matter has been considered on the request of bar executive pending dues are unanimously waived off. In view of above, ten (10) slots in chambers of Double Occupancy basis are now available for allotment.
	Office is directed to invite applications from next Thirty (30) senior eligible applicant lawyers (three against one slot) out of List C-1 of "Initial Allotment" for allotment against abovesaid ten (10) chambers on Double Occupancy basis. <u>Office has placed before the Committee three requests received from Sh. Amrendra Kumar, Advocate, allottee of 2nd slot in chamber no. 447, Sh. Rajesh Passey, allottee of 2nd slot in chamber no. 327. & Sh. Jitender Singh, Advocate, allottee of</u>



	<u>2nd slot in chamber no. 325 seeking change of chamber to either of slot in chamber no. 103.</u> <u>Considering their seniority in allotment of their existing chamber(s) it is unanimously resolved to allot 1st slot in chamber no. 103 to</u> <u>Sh. Rajesh Passey, allottee of 2nd slot of ch. No. 327 and 2nd slot in said chamber to Sh. Jitender Singh. Allottee of 2nd slot of ch. no: 325 on their requests for change of chamber. Their names are included in List E-68 (Initial Allotment) (Double Occupancy).</u> <u>Request of Sh. Amrendra Kumar, Allottee of 2nd slot of ch. No. 447 be filed accordingly.”</u>
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[Emphasis supplied]

9. As evident from the above, once the Committee determined that ten slots in double occupancy chambers were available for allotment, it resolved to invite applications from the next thirty senior eligible lawyers (three applicants per slot) listed in List C-1 (Initial Allotment). This process was to ensure that the allotment was conducted fairly, following the principle of seniority-based selection, and maintained transparency by adhering to the pre-established framework of three applicants per slot for double occupancy chambers. As regards Chamber No. 103, the Committee reviewed the requests from three advocates—namely, Mr. Amrendra Kumar, Mr. Rajesh Passey, and Mr. Jitender Singh—who sought a change of chamber. The Committee, following the principle of seniority, unanimously decided to allot the 1st slot in Chamber No. 103 to Mr. Rajesh Passey, and the 2nd slot in the said chamber to Mr. Jitender Singh.



10. The requests of Mr. Rajesh Passey and Mr. Jitender Singh were dated 3rd July, 2024 and 23rd July, 2024, respectively. In contrast Petitioner's request dated 16th August, 2024, for the allotment of Chamber No. 103 is evidently after the Committee's decision of 30th July, 2024, and therefore, it could not have been considered in time. The Petitioner, however, contends that the Committee's failure to notify the vacancy to the general body of lawyers denied her the opportunity to apply for the allotment or request an exchange. This contention raises the question of whether the allotment process was flawed due to the absence of proper notification. It must be noted that no specific rules or guidelines govern the process for exchange of chambers, leaving the matter largely at the discretion of the Allotment Committee. Nonetheless, principles of transparency and fairness demand that any vacancy should be duly notified to allow all eligible members giving them a fair chance to apply.

11. Upon scrutiny, it becomes evident that the two advocates, Respondents No. 4 and 5, were specifically aware of the vacancy and had submitted their representations requesting for exchange with Chamber No. 103. Their prior knowledge suggests a breach of transparency in the allotment process, as the vacancy was not advertised for all eligible members to apply. Ideally, such vacancies should be notified to the members of the Bar, providing every eligible lawyer with an equal opportunity to express interest; failure to do so creates an appearance of opacity in the process, potentially leading to an impression of arbitrariness. While Mr. Sharma's assertion that the impending vacancy was "common knowledge among the legal fraternity" might hold some weight, this Court is not impressed by such an argument. General assumptions about knowledge



within professional circles cannot substitute for a formal, transparent process. Transparency in public dealings—even within professional bodies—is not merely a matter of custom but a principle of fair and reasonable conduct that must be upheld.

12. Despite the lack of transparency, the Court must now consider whether the Petitioner's claim warrants the setting aside of the allotment made to Respondents No. 4 and 5. The Petitioner's request for an exchange is founded on medical grounds, specifically relating to her husband, who is said to suffer from multiple ailments, including the effects of a stroke, requiring proximity to chambers on the first floor. While the Court is mindful that precedents exist where genuine medical conditions have been considered as valid grounds for chamber allotments in more accessible locations, it is crucial to underscore that such precedents pertain directly to the allottee's/applicant's own health condition. However, in the present case, the Petitioner's ground for exchange is medical condition pertaining to the Petitioner's husband, who is not the direct allottee/applicant. This distinction is significant, and thus, the reliance on past precedents appears to be misplaced. In such circumstances, the Court finds that no sufficient grounds have been presented to warrant interference with the Allotment Committee's decision.

13. Another relevant aspect is that the Committee follows seniority as the guiding principle for allotments and exchanges. It is undisputed that Respondents No. 4 and 5 are senior to the Petitioner, placing them at a higher rank in eligibility for the allotment. Therefore, even if the vacancy had been notified and applications invited from all eligible lawyers, there is no certainty that the Petitioner would have prevailed over others, given her



lower seniority. Moreover, while the failure to notify the vacancy raises concerns, it is equally significant that no other lawyers—potentially more senior than Respondents No. 4 and 5—have come forward to challenge the allotment. This suggests that even if the vacancy had been notified, the outcome might not have materially changed.

14. In these circumstances, the Court does not find sufficient reason to set aside the allotment made to Respondents No. 4 and 5. However, the Committee should take due note of the concerns raised in this petition and ensure that future vacancies are transparently notified to all members, to maintain fairness and avoid similar grievances.

15. In light of the above, the present petition is disposed of.

SANJEEV NARULA, J

OCTOBER 14, 2024/ab