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

+ **W.P.(C) 14919/2024**

VIRENDRA SHARMA

.....Petitioner

Through: Mr. Nitin Bhardwaj, Advocate.

versus

THE CHAMBER ALLOTMENT COMMITTEE & ANR.

.....Respondents

Through: Mr. Satyakam, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.11.2024

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1. The Petitioner, a practicing advocate and a member of the Shahdara Bar Association, has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, 1950, seeking a direction to the Chamber Allotment Committee, Karkardooma Court to maintain a consolidated list of eligible advocates for allotting chambers in Karkardooma Court. Additionally, he seeks his name to be included for purpose of allotment as per his seniority.
2. Although the Petitioner asserts that he applied for allotment of chamber on 5th January, 2001, however, he candidly acknowledges that when applications were invited for allotment of chambers in Karkardooma Courts in 2009, the Petitioner did not apply.
3. When the Petitioner approached this Court earlier through W.P.(C)



2209/2021¹ seeking addition of his name in the list of eligible advocates for allotment of chambers, it was disposed of by order dated 18th February, 2021 in the following terms:

“1. This hearing has been done through hybrid mode (physical and virtual hearing).

2. The Petitioner is an advocate practising in Delhi. He applied for membership to the Shahdara Bar Association and became a member on 18th December, 2000. His membership number is V-216 He is stated to have subsequently applied for allotment of a chamber on 5th January, 2001. His grievance is that his name is not being added. in the list for allotment of chambers.

3. The prayer in the petition is only for adding the name of the Petitioner in the list.

4. Accordingly, the petition is disposed of with the direction that the Petitioner's documents shall be verified along with his application for allotment of chambers. Upon verification, the Petitioner's name shall be added as per his seniority in the list of members eligible for allotment of chambers in the Karkardooma Court complex. Let the same be done within four weeks.

5. The petition is disposed of in the above terms.”

4. It is asserted that in compliance of the afore-noted order, Petitioner's name was included in the seniority list of 150 members at serial No. 58A. However, subsequently when he made several representations regarding compliance of the aforesaid order, by office order dated 15th April, 2024, he was notified as follows:

“that Sh. Virender Sharma, Adv is amongst the applicant who did not apply in the year 2009, however, committee resolves that his name cannot be considered to be incorporated either in the list of 58 advocates or in the list of 113 advocates. However, his name has already been considered to be incorporated at Sl No. 58A in the list of 150 advocates.””

5. In light of the foregoing, the Petitioner asserts that despite directions issued by this Court in order dated 18th February, 2021, the Chamber Allotment Committee erroneously include to consider Petitioner's name in

¹ titled *Virender Sharma v. Chamber Allotment Committee and Ors.*



the separate lists maintained for allotment of chambers on the ground that he failed to apply afresh in 2009. He further argues that this very issue has already been considered by this Court in the aforesaid order. Moreover, Petitioner fulfils the eligibility criteria for allotment of chambers and therefore, he ought to be considered in the list of 150 members.

6. The Court has considered the facts and aforesaid contentions. It must be noted that the issue pertaining to the lists prepared for allotment of chambers has been subject matter of several litigations before this Court. In one such matter this Court, through order dated 10th December, 2018 passed in W.P.(C) 2195/2018 and connected matter,² directed the District Judge to re-examine the impugned list of 150 advocates who were selected for allotment of chambers in Karkardooma Court and to ensure that the said list includes only the names of advocates who had initially applied pursuant to the notice issued in September, 2009. The directions in the forenoted decision, are as follows:

“10. In view of the above, this Court considers it apposite to direct the concerned District Judge to re-examine the impugned list and ensure that the impugned list does include only the names of advocates who had initially applied pursuant to the notice issued in September, 2009. It is so directed. If necessary, a fresh list be drawn up having regard to the orders passed by this court.”

[emphasis supplied]

7. In addition to the above, it would be apposite to take note of the decision rendered by this Court on 20th December, 2022 in W.P.(C) 11092/2022 and connected matters,³ wherein this Court considered the decision in W.P.(C) 2195/2018 and directed as follows:

² titled *Praveen Thukral and Ors v. The Chamber Allotment Committee and Ors.*

³ titled *Pradeep Kumar and Anr. v. The Chamber Allotment Committee and Ors.*



“12. In these facts and circumstances, the present writ petitions are disposed of with the direction to the Chamber Allotment Committee of Karkardooma Court Complex to not disturb the inter-se seniority of the members who were originally part of the list of 113 persons drawn in September, 2009. If any persons are to be added to the said seniority list, based upon the eligibility, the said seniority list shall be drawn up without disturbing the original list of 113 members, in terms of the direction given in paragraph 10 above.

13. It is made clear that upon the drawing of the list by the Chamber Allotment Committee, if the Petitioners or any other members have any grievance, they are permitted to make a representation before the Building Maintenance and Construction Committee (Karkardooma Court Complex), of the Delhi High Court, which would consider the said representation. The decision taken by the Building Maintenance and Construction Committee (Karkardooma Court Complex), Delhi High Court, shall be adhered to by all the parties concerned.”

8. Pursuant to the aforesaid directions and further deliberations by the Building Maintenance and Construction Committee, Karkardooma Court, the Registrar General of this Court issued a communication dated 1st May, 2024 to the Principal District and Sessions Judge, Karkardooma Court, to the following effect:

“From

*The Registrar General,
High Court of Delhi,
New Delhi.*

To

*The Pr. District & Sessions Judge (East).
Karkardooma Courts Complex.
Karkardooma, Shahdara, Delhi- 110032.*

*Subject:- **Matter regarding allotment of Chambers as per the order of Hon'ble High Court.***

Madam,



I am directed to refer to your letter No.3535/Genl.Br.(E)CAC-Mings/KKD/2024 dated 29.02.2024 forwarding therewith the extracts of the Minutes of Meeting dated 30.01.2024 of the Chamber Allotment Committee, Karkardooma Courts Complex, on the above subject, and to inform you that the Hon'ble Chairman, BMCC (Karkardooma Court Complex) has directed that the proposal to take one name from both the lists does not appear to be founded on any rational basis. The Hon'ble Chairman observed that several writ petitions were disposed of by Hon'ble Ms. Justice Prathiba M. Singh by an order dated 20.12.2022 and the Hon'ble Court had noted the chronology of events and had directed that the lawyers whose names had featured in the name of 113 members would have priority in future allotment of chambers and this would be subject to the request of senior members who had filed their applications in the year 2009, being considered and the list being drawn up accordingly.

I am further directed to inform you that the Hon'ble Chairman has further observed that in terms of the directions issued by the Hon'ble Court, it does not appear that two lists for allotment is permissible and, therefore, one single consolidated list is required to be prepared keeping in view the orders passed by the Hon'ble Court. Further, in case there is any ambiguity that requires resolution, an appropriate application is required to be made to the Hon'ble Court.

I am accordingly, directed to request you to kindly take further action in the matter, in light of the above observations, at your end.

Yours faithfully

Sd/-

(Rekha Garg)

*Dy. Registrar (Mgt. & Coord. Cell-I)
District Courts BMCs
For Registrar General"*

9. Therefore, in view of the foregoing, it emerges that a consolidated list is required to be prepared taking names from both the lists (113 and 58) as per seniority, in terms of the judgment of this Court dated 20th December, 2022 in W.P.(C) 11092/2022.

10. In light of the above background, the pertinent fact that emerges in the



present case is that the Petitioner did not apply for allotment in the year 2009, a fact categorically admitted in paragraph No. 5 of the writ petition. With that being the position, in the opinion of the Court, the relief sought by the Petitioner cannot be granted. Any directions by this Court would be contrary to the directions previously issued by this Court. Moreover, the Petitioner's emphasis on his application made in the year 2001, in the opinion of the Court, is of no consequence as at that time, no applications were invited for allotment of chambers. As a result, Petitioner's application, at best constitutes an expression of interest or just a representation, creating no vested right or priority in the Petitioners' favour.

11. Accordingly, the present petition along is dismissed.

SANJEEV NARULA, J

NOVEMBER 21, 2024

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