



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

% **Judgment reserved on : 13 November 2024**
Judgment pronounced on: 18 November 2024

+ LPA 1113/2024, CM APPL. 65441/2024 (Stay), CM APPL. 65442/2024 (Ex.) & CM APPL. 65443/2024 (Addl. Documents)

ANITA GUPTA SHARMAAppellant
Through: Mr. Puneet Mittal, Sr. Adv. with Mr. Rajeev Kumar Sharma, Mr. Dharamvir, Mr. Rahul Gupta, Mr. Sameer Vatts and Mr. R.P. Singh, Advs. with appellant in person.

versus

CHAMBER ALLOTMENT COMMITTEE AND OTHERS
.....Respondents
Through: Mr. Pradeep Sharma, Mr. Vinod Sharma, Mr. Dinesh Kumar, Mr. Devender Verma, Advs. for R-4 alongwith respondent No.4
Mr. D.K. Sheel and Ms. Sema Suryavanshi, Advs. for R-5 alongwith respondent No.5.
Mr. Satyakam, ASC, GNCTD.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE DHARMESH SHARMA

J U D G M E N T

DHARMESH SHARMA, J.

1. The appellant has preferred this appeal under Clause 10 of the Letters Patent Act read with Section 151 of The Code of Civil Procedure, 1908, assailing the impugned judgment dated 14 October 2024 passed by the learned Single Judge in W.P.(C) No. 12611/2024.



2. Shorn of unnecessary details, the petitioner is a practicing advocate, stated to be engaged in legal practice at Saket District Courts Complex since 2010 and presently sharing Chamber No. 608 on double occupancy basis with her husband, Mr. Rajeev Kumar Sharma, who is also an advocate.

3. The grievance of the petitioner is that the Chamber Allotment Committee, constituted by the learned Principal District & Sessions Judge, South/respondent no. 3, has denied her the opportunity to secure re-allotment of the Chamber No. 103 despite pressing medical grounds inasmuch as not only that she is suffering from multiple ailments, but also for the fact that her husband suffered a brain stroke on 29 May 2022.

4. She has claimed that the Chamber Allotment Committee has allotted Chamber No. 103 to respondents No. 4 and 5 in an arbitrary and opaque manner, by overlooking the established procedures, as reflected in the minutes of meeting dated 30 July 2024. It is stated that no public notice was issued with respect to the vacancy of Chamber No. 103 thereby depriving other eligible advocates including herself an opportunity to apply for re-allotment.

5. The respondents on the other hand stated that respondents No. 4 and 5 had submitted their application much earlier in time than the petitioner and since no request from the petitioner was pending before the Committee at the relevant point of time, the Chamber No. 103 was allotted to respondents No. 4 and 5 in terms of the minutes of the meeting dated 30 July 2024.



6. Learned Single Judge of this Court *vide* impugned judgement dated 14 October 2024 alluding to the minutes of the meeting dated 30th July 2024 found that the Committee had resolved that 10 slots in the double occupancy chambers were available for allotment, and therefore, it resolved to invite applications for the next 36 senior eligible lawyers (03 applicants per slot) listed in List C-1 (initial allotment), which was on seniority based selection and insofar as Chamber No. 103 is concerned, it was found that requests were received from three advocates, namely Mr. Amrendra Kumar, Mr. Jitender Singh (respondent No.4) and Mr. Rajesh Kumar Passey (respondent No.5), and the latter two were allotted the chamber who had made applications on 03 July 2024 and 23 July 2024 respectively in contrast to request dated 16.08.2024 of the petitioner.

7. Learned Single Judge held that although the promptness with which respondents No. 4 and 5 applied for allotment suggested that there was breach of transparency in the allotment process inasmuch as the vacancy was not advertised for all the eligible members, it was also writ large that the impending vacancy was a matter of common knowledge among the legal fraternity, and therefore, it was held as under:-

“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.” **{Bold portions emphasized}**

ANALYSIS AND DECISION

8. Mr. Puneet Mittal, learned Senior Counsel for the petitioner has urged before us that the petitioner faces genuine medical issues, both personally and with her husband. Her sole request is to be allotted Chamber No. 103, located on the first floor, instead of her current Chamber No. 608 on the 6th Floor.

9. During the course of arguments, Mr. Satyakam, Standing Counsel for Respondent No. 3, submitted that despite being offered an



alternative chamber on the second floor, the petitioner persists in her plea for Chamber No. 103, specifically located on the first floor.

10. Upon hearing the learned counsels for the parties and perusal of the relevant record, we find that there are sufficient numbers of elevators in the building to provide access to the upper floor. The petitioner despite having given an offer to shift to second floor, has bluntly refused it. Except for the blemish that the chamber having fallen vacant was not put in public domain, the chamber stands allotted to respondent no. 4 & 5 who are higher in seniority to the petitioner.

11. The bottom line is that the petitioner has no legal right to claim allotment of any particular chamber. The chamber falling vacant can only be allotted in terms of the relevant guidelines, which currently do not provide for re-allotment on medical grounds.

12. In view of the foregoing discussion, we find no perversity or illegality committed by the learned Single Judge in passing the impugned order dated 14 October 2024.

13. The appeal is therefore dismissed. However, it is provided that in case any chamber falls vacant on the first floor in future, and if the petitioner applies for a re-allotment and switching of chambers, it may be considered on humanitarian grounds in accordance with law. The pending applications also stand disposed of.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 18, 2024/sp