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

+ W.P.(C) 4578/2022

AJIT KUMAR BHARDWAJ

.....Petitioner

Through: Mr. Kirti Uppal, Sr. Adv., Mr. Harish Pandey, Mr. Naveen Parashar, Mr. Sudhir Vats, Advs. and petitioner in person.

versus

BUILDING MAINTENANCE AND CARE COMMITTEE & ORS.

.....Respondents

Through: Mr. Rajeev Aggarwal, ASC and Mr. Mayank Kamra, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

24.01.2025

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1. The present petition has been filed by the petitioner, an advocate by profession who has been practicing in the District Courts of Delhi since 1996, seeking that the respondents be directed to allot a chamber to the petitioner at the District Court, Rohini Court Complex, Rohini, Delhi.
2. The petition avers that in the year 2013, the Chambers Block for advocates was constructed in the Rohini Court Complex, Delhi. Pursuant thereto, the petitioner and also other lawyers applied for a chamber in Rohini Court Complex. The petitioner, being eligible for allotment of chamber and fulfilling all the requirements, was included in the final list of eligible candidates at S. No. 155. However, at the relevant point of time, the health condition of the father of the petitioner, who was a chronic heart patient, was very poor. It is stated that his father was hospitalized in a critical condition,



due to which, the petitioner was pre-occupied in taking care of his father's health. Consequently, the petitioner could not complete the formalities / submit the requisite documents for allotment of chamber. The father of the petitioner ultimately expired on 07.09.2018.

3. The petitioner, at the earliest opportunity, given the personal exigency, gave a representation dated 19.01.2015 to the President of the Rohini Court Bar Association, Rohini Court Complex, Rohini, Delhi setting out the extenuating circumstances and seeking an opportunity to complete the formalities for allotment of a chamber.

4. Successive representations were also made by the petitioner to the learned District Judge. However, the same did not meet with any favourable response. The short affidavit filed on behalf of the respondent no.2 reveals that the representation of the petitioner was rejected vide minutes of the meeting in the Lawyers Chamber Allotment Committee (North West District & North District) held on 01.12.2017 as follows:

7.	To consider the letter of Sh. Ajit Kr. Bhardwaj for allotment of chamber.	Considered. As decided earlier vide minutes of meeting dated 08.02.2017, only those matters, which are received by way of judicial directions and those covered under the direction of Hon'ble BMCC (Rohini Courts) vide its minutes of meeting dated 06.07.2015 can be considered by LCAC as of now. Therefore, the application being not maintainable in the present form, is disposed of. The applicant be informed accordingly.
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5. The petitioner's later representations were also rejected in the minutes of the Lawyers Chamber Allotment Committee held on 13.08.2019 with the following observations:



21)	To consider the Reminder dated 05.03.2019 filed by Sh. Ajit Kumar Bhardwaj Advocate regarding allotment of Chamber in Lawyers Chamber Block, Rohini Courts.	The applicant is present. A perusal of the record shows that as per the Minutes of meeting dated 01.12.2017 of LCAC, the application of the applicant for allotment of Chamber stands disposed of being not covered either.
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6. The counter-affidavit filed on behalf of the respondent no.2 does not dispute the eligibility of the petitioner for allotment of chamber when the process commenced in 2013 as per the extant rules.

7. It is evident from the reasons given while disposing of the petitioner's representation that the case of the petitioner could not be considered only on account of the respondent's decision to entertain only such representations *"which are received by way of judicial directions and those covered under the direction of Hon'ble BMCC (Rohini Courts) vide its minutes of meeting dated 06.07.2015."*

8. Given that the eligibility of the petitioner to be allotted a chamber [when the process was initiated in 2013] is not disputed and considering the extenuating circumstances which prevented the petitioner from submitting the requisite documents, it would be apposite for the respondents to consider the petitioner's case for allotment of a chamber as per his priority in the list drawn up pursuant to the petitioner's application submitted 2013. It is directed accordingly.

9. It is pointed out by learned counsel for the respondent/s that as on date there are 6.5 vacant chambers in the general category. Upon the petitioner's submitting the requisite documents, it shall be open for the BMCC, Rohini Court to allot a chamber to the petitioner out of the available vacant chambers.



10. The above order is being passed in the light of peculiar circumstances of the case and the extenuating factors set out in the present petition.
11. The petition is disposed of with the above directions.

JANUARY 24, 2025/cl

SACHIN DATTA, J