

2022 LiveLaw (SC) 451

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

UDAY UMESH LALIT; J., S. RAVINDRA BHAT; J., PAMIDIGHANTAM SRI NARASIMHA, J.

May 04, 2022

Senior Advocate Designation - Instead of ten marks to be allocated to a counsel who has put in between ten to twenty years of practice, the marks be allocated commensurate with the standing of the person at the Bar, that is to say, one mark each shall be allocated for every year of practice between ten to twenty years.

WRIT PETITION (CIVIL) NO.687 OF 2021 AMAR VIVEK AGGARWAL & ORS. Versus HIGH COURT OF PUNJAB AND HARYANA & ORS. WRIT PETITION (CIVIL) NO.1077 OF 2021 MANDEEP SINGH SACHDEV Versus HIGH COURT OF PUNJAB AND HARYANA & ORS. MISCELLANEOUS APPLICATION NO.1502 OF 2020; 527 & 709 of 2022 IN WRIT PETITION (CIVIL) No.454 OF 2015 INDIRA JAISING Versus SUPREME COURT OF INDIA & ORS. WRIT PETITION (CIVIL) No.189 OF 2022 DEV KRISHNA GAUR Versus RAJASTHAN HIGH COURT

Counsel for the Parties: Ms. Indira Jaising, Sr. Adv. Mr. Mohan V. Katarki, Sr. Adv. Dr. Anindita Pujari, AOR Mr. Siddhartha Shrivastava, Adv. Mr. Paras Nath Singh, Adv. Mr. Azad Bansala, Adv. Ms. Prakriti Rastogi, Adv. Mr. Tushar Mehta, Solicitor General Ms. Madhavi Divan, Addl. Solicitor General Mr. Rajesh Ranjan, Adv. Ms. Shraddha Deshmukh, Adv. Mr. Arvind Kumar Sharma, AOR Ms. Madhavi Divan, Addl. Solicitor General Mr. Prashant Singh, AOR Mr. K.V. Viswanathan, Sr. Adv. Mr. Ashok Mathur, AOR Mr. S. Wasim A. Qadri, Sr. Adv. Mr. Udit Singh, AOR Mr. Tamim Qadri, Adv. Mr. Saeed Qadri, Adv. Mr. Manish Raghav, Adv. Mr. Vivek Sharma, AOR Mr. Sumit Saddi, Adv. Ms. Neelu Sharma, Adv. Ms. Rachana Sharma, Adv. Mr. Rohit Gour, Adv. Mr. Niranjana Sahu, Adv. Mr. Rajesh Kumar Nayak, Adv. Mr. Sibho Sankar Mishra, AOR Mr. Arush Bhandari, Adv. Mr. Rajat Sehgal, AOR Mr. Ardhendumauli Kumar Prasad, AOR Mr. Ashish Madaan, Adv. Mr. Malak Manish Bhatt, AOR Mr. Sunny Choudhary, AOR Mr. Purvish Jitendra Malkan, AOR Mr. Merusagar Samantaray, AOR Mr. Anandh Kannan N., AOR Ms. Nandini Gore, AOR Mr. Tuhin, AOR Mr. Pai Amit, AOR Mr. Anirudh Sanganeria, AOR Dr. Joseph Aristotle S., AOR Mr. Avinash Sharma, AOR

ORDER

MISCELLANEOUS APPLICATION NO.709 OF 2022 IN WRIT PETITION (CIVIL) NO.454 OF 2015

This application has been preferred by Ms. Indira Jaising, learned Senior Advocate of this Court praying inter alia:

- a. Clarify Para 73.9 of the judgment dated 12.10.2017 in W.P. (C) No.454 of 2015 reported in (2017) 9 SCC 766 to the effect that, in case the Full Court of this Hon'ble Court or any High Court resorts to secret ballot while designating Senior Advocate/s, the reasons for resorting to the said method should be recorded in writing.
- b. Direct that this Hon'ble Court or High Courts shall publish the cut off mark (if any) in the notice calling upon the prospective applicants to apply for designation as Senior Advocates.
- c. Clarify Para 73.7 of the judgment dated 12.10.2017 in W.P. (C) No.454 of 2015 reported in (2017) 9 SCC 766 to the effect that in designation of Senior Advocates by this Hon'ble Court or High Courts, one mark each should be allotted for every year of practice between ten (10) to twenty (20) years."

At this stage, Prayer (c) has been pressed by Ms. Indira Jaising. In her submission, there may be counsel who have put in, say 17 to 19 years of practice; but going by paragraph 73.7 of the judgment rendered by this Court in W.P. (C) No.454 of 2015, both the learned counsel will, at best, be allocated 10 marks. According to her, one mark each

must be allotted for every year of practice between ten to twenty years. Resultantly, in two illustrations given hereinabove, the learned counsel will be entitled to 17 and 19 marks respectively.

On the other hand, those who have put in more than twenty years of practice, regardless of the number of years in excess of twenty years, they would still be entitled to only twenty marks in terms of paragraph 73.7 of the judgment.

It must be stated here that Mr. Tushar Mehta, learned Solicitor General has prayed for some time to put in his response. According to his oral submissions, the very concept of allocation of marks and interview may require reconsideration.

Since the issues raised by the learned Solicitor General may go to the root of the entire controversy, we permit him to put in his written response on or before 09.05.2022.

Learned counsel appearing for various parties are at liberty to put in their response(s) to the submissions of the learned Solicitor General within two days thereafter.

All the matters shall thereafter be taken up for hearing on 12.05.2022.

However, insofar as the submissions raised by Ms. Indira Jaising with respect to Prayer (c) of Miscellaneous Application No.709 of 2022 are concerned, we see no reason to defer the matter. The submissions arise purely on the text of the judgment as it stands.

We, therefore, clarify the situation and direct that instead of ten marks to be allocated to a counsel who has put in between ten to twenty years of practice, the marks be allocated commensurate with the standing of the person at the Bar, that is to say, one mark each shall be allocated for every year of practice between ten to twenty years. Prayer (c) made in the application is, therefore granted. This modification shall be effective from the date of this order.

Rest of the prayers made in the Miscellaneous Application No.709 of 2022 shall be taken up alongwith other matters on 12.05.2022.

MISCELLANEOUS APPLICATION NO.527 OF 2022 IN WRIT PETITION (CIVIL) NO.454 OF 2015

Mr. Sidharth Luthra, learned Senior Advocate submits that this Miscellaneous Application prays for similar relief as has been prayed for and granted in Miscellaneous Application No.709 of 2022.

Since similar relief has been prayed for in Paragraph 8 of this miscellaneous application, this miscellaneous application is also disposed of in aforesaid terms.

WRIT PETITION (CIVIL) NO.687 OF 2021; WRIT PETITION (CIVIL) NO.1077 OF 2021; MISCELLANEOUS APPLICATION NO.1502 OF 2020 IN WRIT PETITION (CIVIL) No.454 OF 2015; MISCELLANEOUS APPLICATION NO.709 OF 2022 IN WRIT PETITION (CIVIL) No.454 OF 2015; AND, WRIT PETITION (CIVIL) No.189 OF 2022

List these matters for further consideration on 12.05.2022.