

ITEM NO.22

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).1429/2023

MD ANAS CHAUDHARY

Petitioner(s)

VERSUS

REGISTRAR-GENERAL HIGH COURT OF JUDICATURE
AT ALLAHABAD

Respondent(s)

(WITH IA No.263456/2023-EXEMPTION FROM FILING O.T.)

Date : 15-04-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Pulkit Aggarwal, Adv.
Mr. Mohd. Sharyab Ali, Adv.
Ms. Shehla Chaudhary, Adv.
Mr. Jazib Siddiqui, Adv.
Mr. Mohammad Asim Khan, Adv.
Mr. Kapil Malik, Adv.
Mr. Mohd. Anas Khan, Adv.
Mr. Kavindra Yadav, Adv.
Mr. Altamash Ahmad, Adv.
Mr. Siddharth Sanjay Jain, Adv.
Mr. Amit Dixit, Adv.
Mr. Shoaib Ahmad Khan, Adv.
Ms. Bushra Ali, Adv.
Mr. Sandeep Garausa, Adv.
Mr. Zahid Ali, Adv.
Ms. Nishat Parveen, Adv.
Mr. Vikas Kumar, Adv.
Mr. Ansar Ahmad Chaudhary, AOR

For Respondent(s) Mr. K. Parameshwar, AOR
Ms. Kanti, Adv.
Mr. Chinmay Kalgaonkar, Adv.
Ms. Raji Gururaj, Adv.

Mr. Jasbir Singh Malik, Adv.
Mr. Vinod Chaudhary, Adv.
Mr. Sanjay Sharma, Adv.

Mr. Kapil Malik, Adv.
Mr. Mohd. Ismail Khan, Adv.
Mr. Mohd. Firoz, Adv.
Mr. Varun Punia, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 On 18 October 2023, a communication was addressed by the Registrar General of the High Court of Judicature at Allahabad to all the District Judges in the State of Uttar Pradesh stating that in order to ensure optimum utilization of e-Sewa Kendras and to provide citizen centric service to litigants and advocates through e-filing, the following directions of the High Court would have to be observed:

“...e-filing facility must be enabled at the e-Sewa Kendras of the District Courts of Uttar Pradesh along with the facility of e-affidavit. The option of photo identity verification shall be removed from the process of e-filing at the e-Sewa Kendras of District Judiciary. The litigant/ lawyer must appear in person at the e-Sewa Kendra for e-filing.”

- 2 Subsequently, on 28 October 2023, the above directions were placed in abeyance by a communication of the Registrar General to the District Judges. This has given rise to the filing of the present proceedings under Article 32 of the Constitution.

- 3 Appearing on behalf of the High Court of Judicature at Allahabad, Mr K Parameshwar, counsel, has placed on the record the Rules framed by the High Court in exercise of the constitutional authority vested under Article 225 of the Constitution. Rule 3-A of Chapter XXIV of the Rules of 1952, *inter alia*, contains the following provisions:

“3-A. (i) Unless the Court grants leave, an Advocate who is not on the Roll of Advocates in the High Court at Allahabad or Lucknow shall not be allowed to appear, act or plead

in the High Court at Allahabad or Lucknow as the case might be unless he files appointment along with an Advocate who is on such roll for Allahabad Cases at Allahabad and for Lucknow Cases at Lucknow.

- (ii) The High Court shall prepare a Roll of Advocates in Parts 'A' and 'B' of those who ordinarily practice in the High Court, Part 'A' for Allahabad and Part 'B' for Lucknow.
- (iii) The Roll of Advocates shall bear in regard to each advocate entered, his full name, father's name, passport size coloured photograph, enrolment number, date of enrolment, complete postal address both of residence and office which shall be in the municipal limits of the city of Allahabad or Lucknow as the case might be.
- (iv) The Rolls shall be prepared and revised periodically in the manner and under the authority as may be prescribed by the Chief Justice.
- (v) This Rule 3-A shall come into force after notification by the Chief Justice that both the Rolls for Allahabad and Lucknow in Parts 'A' and 'B' are complete."

4 In the above backdrop, it has been submitted on behalf of the High Court that as regards e-filing by litigants, the provision as contained in the earlier circulated dated 18 October 2023 shall be restored.

5 Rule 3-A(i) indicates that an advocate who is not on the roll of advocates in the High Court at Allahabad or Lucknow can appear, act or plead in the High Court at Allahabad or Lucknow, as the case may be, only upon filing the appointment together with an advocate who is on the roll at Allahabad (for Allahabad cases) or at Lucknow (for Lucknow cases). Moreover, clause (iii) indicates that the roll of advocates has to bear the name and other details both of the residence and office which shall be in the municipal limits of the city of Allahabad or Lucknow, as the case may be.

- 6 The Rules which have been framed by the High Court in the exercise of its constitutional jurisdiction are not in question in these proceedings. In that view of the matter, it needs to be clarified that it would be open to the High Court to seek due compliance with the provisions of Rule 3-A in regard to e-filing by advocates in the e-Sewa Kendras.
- 7 Compliance shall be effected within a period of two weeks.
- 8 The petition is disposed of.
- 9 In terms of the above order, the applications for impleadment are disposed of.
- 10 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR