



GUJARAT HIGH COURT ADVOCATES' ASSOCIATION

1st Floor, Advocate Chamber's Building, High Court Campus, Ahmedabad-60.
Phone : (079) 27663802 E-mail : ghaa1960@gmail.com Web : www.ghaa.in

President

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VicePresident

Samir J. Dave

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General Secretary

Prithviraj A. Jadeja

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Hardik D. Brahmhatt

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Treasurer

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Hon'ble Justice Akil Kureshi, senior most Judge of our High Court and respected by one and all was transferred to Bombay High Court on 02.11.2018 when he would in normal course have been Acting Chief Justice of Gujarat High Court from 02.11.2018 till today or till Chief Justice of Gujarat would have been appointed. In view of such transfer the Gujarat High Court Advocates Association at its meeting held on 1st November, 2018 passed the following resolution:

"The Gujarat High Court Advocates' Association ("Bar") unanimously recognizes the integrity, honesty, legal acumen and excellent court conduct and decorum of Hon'ble Mr. Justice Akil Kureshi ever since his appointment in March, 2005.

The Bar, upon detailed deliberation in its meeting held on 1st November, 2018, unanimously finds no reason to justify his transfer from being the senior most puisne Judge of Gujarat High Court to number five judges in the Bombay High Court ostensibly in the interest of better administration of Justice.

The Bar, in its meeting, has deliberately upon the possible justification for such a transfer and fails to discern any good reason for the same and believes that such transfer is unjustified and certainly has no connection with better administration of justice. The Bar believes that the said action of transfer impinges upon independence of judiciary. It is therefore unanimously decided to deprecate and condemn the said transfer and to challenge the same by a writ petition to be settled by senior advocates Mr. Mihir Thakore, Mr. Saurabh Soparkar, Mr. Deven Parikh, Mr. Shalin Mehta and Mr. Rashesh Sanjalwala.

In view of the unanimous opinion that said transfer is totally unwarranted, uncalled for and unjust, the Bar resolves to go on an indefinite strike from tomorrow, except for the purposes associated with the proposed Writ Petition.

The next meeting of the bar shall be held on November 20, 2018 at 11:00 a.m. for reviewing the situation.

Prithviraj A. Jadeja

Committee Members

Khushbu P. Vyas	Himanshi R. Balodi	Mittal N. Patel	Darshan A. Dave	Aaditya D. Bhatt	Nikhil S. Vyas	Hardikkumar K. Raval	Alkesh N. Shah	Mehul A. Surati	Chandramani R. Mishra
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The President of the Bar is authorized to intimate all other Bar Associations in Gujarat and to request appropriate supporting resolutions from them and also to publicize this resolution in any manner though fit.

Yatin N. Oza
President,
GHCAA.”

Post the said meeting President of the Bar had sought an appointment of Hon'ble The Chief Justice of India to appraise him of unanimous view of the Bar and its aforesaid resolution, such meeting took place on 11th November, 2018 at 6.15 p.m. Post such meeting the President addressed a letter dated 16.11.2018 to the members of the Bar. The said letter reads as under:

“Dear members of the bar,
We, at the meeting of our association held on 1st November, 2018 resolved to go on an indefinite strike from 2nd November, 2018 in view of the decision of the collegium to transfer Justice Akil Kureshi senior most puisne judge of our High Court as fifth senior most judge of the Bombay High Court.

Post the said meeting I, as President of our bar had sought an appointment of the Chief Justice of India to apprise him of the unanimous view of our bar and its aforesaid resolution. I was given an appointment on Sunday the 11 November 2018 at 6:15 PM at his residence. I along with Mr. Prithviraj Jadeja and Mr. Hardik Bhrambhatt called upon Honorable The Chief Justice of India at the appointed time. We apprised him about the high regard and respect our bar unanimously has for Justice Kureshi in view of his unimpeachable integrity and conduct with the members of the bar. We handed over a copy of the resolution of the bar. The Honorable Chief Justice was very receptive to our views.

Prithviraj

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His approach was so co-operative and constructive that I believe as head of our judiciary we should leave it to him to assuage our grievance and not to precipitate the matter by continuing the strike. In view of above, I and many other senior members of the Bar, feel that matter should not be so unnecessarily stretched that it becomes counterproductive and harms the very cause for which the Bar has stood up united. Under the circumstances, I as President request one and all to resume work."

Yatin N. Oza
President,
GHCAA."

A resolution in terms of the aforesaid letter was passed by the association on 22nd November, 2018. The grievance of the Bar was appreciated by the Collegium and Hon'ble Justice Kureshi was recommended for being elevated as Chief Justice of Madhya Pradesh High Court alongwith other recommendations. To the utter shock and surprise of the Bar Justice Akil Kureshi was not appointed as Chief Justice of Madhya Pradesh High Court on 22nd May 2019 alongwith Hon'ble Mr. Justice D.N.Patel as Chief Justice of Delhi High Court and instead Justice RavishankarJha was appointed as acting Chief Justice of the Madhya Pradesh High Court with effect from 10th June, 2019 i.e. today. This is clearly uncalled for interference by Executive.

The Bar unanimously feels that the appointment of Hon'ble Justice Akil Kureshi as Chief Justice of M.P. High Court should have been notified along with the appointment of Hon'ble Justice D.N. Patel as Chief Justice of Delhi High Court, since Hon'ble Justice Kureshi is senior to Hon'ble Justice D.N.Patel.

Prithviraj A. Jadeja

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It's a matter of pride for our Bar that Hon'ble Justice D.N.Patel is appointed as the Chief Justice of Delhi High Court keeping in mind his integrity and merits. But purposefully holding back clearance of the file of Hon'ble Justice Kureshi is unconstitutional and lacks in bonafide.

The Bar Association unanimously resolves to make a personal representation to the Hon'ble Law Minister of India on the subject and request him to notify the appointment of Hon'ble Justice Shri Akil Kureshi, as the Chief Justice of Madhya Pradesh High Court in terms of recommendation made by the Collegium of the Hon'ble Supreme Court of India. Bar Association resolves to form a Committee of 10 advocates to make the representation as stated above. The Committee shall consist of 5 office bearers of the Managing Committee of GHAA and 5 Senior Advocates. Bar Association authorise it's President Shri Yatin Oza, President, to nominate 5 Senior Advocates as part of the Committee. It further resolves to authorize Shri Yatin Oza, to seek an urgent appointment with Hon'ble Law Minister of India. Bar Association further resolves that immediately after the meeting members of the Bar Association be appraised about the outcome of the meeting so as to enable the Bar to decide on the future course of action.

It further resolves that if nothing turns out positively after meeting with Hon'ble Law Minister of India, the Bar will be left with no option but to abstain from work for a day and also to

Prithviraj A. Jadeja

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file Writ Petition under Article 32 of The Constitution of India in the Hon'ble Supreme Court of India on the subject.

It further authorizes it's President/Secretary to file a petition on its behalf and authorises it's President to engage advocate on record and Senior advocates to argue the matter.

Prithvirajsinhji Jadeja
(Secretary General)
(GHCAA)

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