

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. OF 2020

Sunil Gupta &Ors

...Petitioners

Versus

The Full Court of the Hon'ble High Court
of Judicature at Bombay &Ors

...Respondents

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Advocate for Petitioner
(Nedumpara&Nedumpara)

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Direction and Prothonotary's order]

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SYNOPSIS

A. CHALLENGE

There is ever growing public opinion against the practice of Judges designating lawyers as Senior Advocates, which has caused irreparable damage to the institution of judiciary for a Bar which is fearless, erudite and independent is the very foundation of a fair judiciary. At a time when the common people thought the judiciary will abandon the pernicious practice of designation of lawyers as Senior Advocates, the Bombay High Court issued a notification designating 22 lawyers. There are serious allegations of professional and other misconduct, even criminal cases against some of them. Since in the instant Writ Petition, the very validity of the Sections 16 and 23(5) of the Advocates Act, 1961, are challenged, the Petitioners are advised that it may not be appropriate to elaborate on the allegations against some of them so designated, the Petitioners therefore refrain from doing so. The notification is nothing but a charter of who's who, how he is connected to the Judges and the powerful lobby of elite class lawyers. The notification is an unmistakable declaration that, in the matter of designation of

a lawyer as a Senior Advocate, all that matters is kinship, connections and lineage, to say the least.

B. DATES AND EVENTS

S. No	Date	Events	EXHIBIT NO.	PAGE NO.
1.	11.2.2020	Notification issued by the High Court of Bombay designating 22 lawyers as Senior Advocates	Exhibit A	
		Hence this Writ Petition		

Acts to be relied upon

Constitution of India;

Advocates Act, 1961

Authorities to be cited:

At the time of arguments.

Date : _____ February, 2020

Place : Mumbai

Advocate for the Petitioner

(Nedumpara&Nedumpara)

THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. OF 2020

1. Sunil Gupta
President National Litigants Association,

2. Dhanesh Jain
National Litigants Association,

3. Kanchan Sharad Rochlaney
National Litigants Association,

4. L Ramanathan
National Litigants Association,

... Petitioners

Versus

1. The Full Court of the
Hon'ble High Court of Judicature at Bombay,
Mumbai-400 032, represented by the
Hon'ble the Chief Justice.

2. The Registrar General,
Hon'ble High Court of Judicature at Bombay,
Mumbai-400 032.

3. The Union of India,
represented by its Secretary in the
Ministry of Law and Justice,
Department of Legal Affairs,

4th Floor, A-Wing, Shastri Bhawan New Delhi-110 001

4. Shri Rajkumar Bhaskar Thakare
 5. Shri Jayant Pandurang Mulgaonkar
 6. Shri Mukesh Vitthalrao Samarth
 7. Shri Ramchandra Gajanan Ramani S-I,
 8. Shri Agnelo Francis Diniz
 9. Shri Rajendra Vyankatesh Pai
 10. Shri Ravindra LaxmanraoKhapre
 11. Shri TushadKhurshed Cooper
 12. Shri Santosh Rama Rivankar
 13. Shri SanjogSadanandParab
-

14. Shri Rajendra Adhik Shirodkar
15. Shri Manoj Shamrao Mohite
16. Shri Pradeep ShivnarainJetly
17. Shri Rajendrakumar Sudhakar Deshmukh
18. Shri Vijaykumar DamodharSapkal
19. Shri Vishwajit Parshuram Sawant 1 1 -F,
-
20. Shri Aabad I-Jarshagponda
21. Shri SnehaKrishnakant Shah
22. Shri Nikhil MO Sakhardande 1101, Ramnimi
23. Dr, Shri Birendra Kumar Saraf

24. Shri ZalTehmtanAndhyarujina

25. Shri Sharan Haresh Jagtiani

lawyers designated as
Senior Advocates in the Full House Meeting
of the Bombay High Court held on 12.2.2020

26. The Bar Council of Maharashtra & Goa,
3rd Floor, Annex Building,
Bombay High Court, Bombay

27. The Bombay Bar Association,
56, 3rd Floor, Bombay High court,
Main building, Mumbai

28. The Advocates Association of Western India,
Bar Room No. 36, 1st Floor, High Court,
Fort Mumbai, 400032

29. The Bar Council of India,
Bar Council of India
21, Rouse Avenue Institutional Area,
Near Bal Bhawan,
New Delhi – 110 002

30. The National Lawyers' Campaign for
Judicial Transparency and Reforms,

represented by its
President Shri Mathews J. Nedumpara. ... Respondents

TO

THE HONOURABLE THE CHIEF JUSTICE

AND THE OTHER HONOURABLE PUISNE

JUDGES OF THIS HONOURABLE COURT

**HUMBLE PETITION OF THE
PETITIONERS ABOVENAMED**

MOST RESPECTFULLY SHEWETH:

1. The Petitioners are the President, Vice President, General Secretary and Treasurer, respectively, of the National Litigants Association, an Association of the consumers of justice. The instant Writ Petition is instituted for the enforcement of their fundamental and legal rights as citizens of this country. The Petitioners are conscious that the fundamental right which they seek to enforce by institution of the instant Writ Petition should entail also in securing the fundamental rights of millions of ordinary litigants, the consumers of justice, who are, in the current state of affairs, given a step-motherly, unfair, unequal and discriminatory treatment.

2. The Petitioners are constrained to array the Hon'ble Chief Justice of the High Court of Judicature at Bombay as a Respondent representing the Full Court of the High Court since they are not certain whether the Registrar General of the High Court could represent the Full Court in the instant petition where the decision which it took to designate Respondent Nos.4 to 25 as Senior Advocates is challenged. It is certainly extremely embarrassing and a matter of great discomfiture so far as the Petitioners are concerned to array the Hon'ble Chief Justice as a

Respondent. The Petitioners are advised that making the Registrar General as a Respondent in place of the Hon'ble Chief Justice to represent the Full Court would not be sufficient in so far as the reliefs which are sought for in the instant petition and if they fail to array the Hon'ble Chief Justice as a Respondent, then the reliefs sought for are all likely to be declined for want of bringing on record the Full Court of the High Court whose action is challenged in the instant petition. The Registrar General is arrayed as a Respondent, for, in the event of this Hon'ble Court being felt it appropriate that the Hon'ble Chief Justice need not be arrayed as a Respondent, but could well be represented by the Registrar General, then such a scenario could well be met. In S.P Gupta's case, then Chief Justice of India, Justice Chandrachud, not only entered appearance before the Supreme Court of which he was the Chief Justice by engaging a lawyer, but even filed an affidavit explaining his stand as the Chief Justice, a noble step worthy of emulation, that all are equal before law.

3. The Union of India represented by the Secretary in the Ministry of Law and Justice, Department of Legal Affairs, New Delhi, is arrayed as a Respondent because in the instant Writ Petition the Petitioners seek a declaration that Sections 16(2) and 23(5) of the Advocates Act, 1961, which classify lawyers into two categories, the elite and the underdogs, are unconstitutional and void which, in other words, means pre-audience to the litigants who could engage a Senior Advocate and mete out an unequal treatment to a poor litigant who is unable to engage a Senior Advocate. Respondent Nos.4 to 25 are arrayed as Respondents as

their designation as Senior Advocates is challenged herein. The Bar Council of Maharashtra and Goa is a necessary party as a body representing the legal fraternity and therefore duty bound to take such action as to bring an end to the discriminatory treatment and it having totally failed in the discharge of its statutory and moral duty. The Bar Council of India is also arrayed for the same reason. The Petitioners are advised that it is in the fitness of things that the Bombay Bar Association and the Advocates' Association of Western India are also brought as parties, though the said Associations are literally controlled by elite class of lawyers who support the apartheid, for, it benefits the elite class of lawyers and the non-designated lawyers, who are members of the said Associations, are under the shadow of the lawyers who are designated as Senior Advocates and unable to speak for their own rights. There are some other bodies representing the legal fraternity, but they have failed to act in the interests of the common men, the litigant public, and the ordinary class of lawyers and have not moved even a little finger to bring an end to the apartheid which is a blot to the legal profession. The National Lawyers' Campaign for Transparency and Reforms (NLC) represented by its President is arrayed as a Respondent because the said Association, through its members, is the only Association which has been campaigning for bringing an end to the discriminatory practice towards the lawyers. The NLC should have been a co-Petitioner. However, it having not come forward as such, for, it felt that the Petitioners, who are litigants, have absolute locus standi to maintain a petition on their own and, therefore, it is better that they institute a petition all by themselves. Be that as it may, the Petitioners are advised that it is

absolutely necessary in the interests of justice that in a petition as the instant one, all those who are one way or the other directly affected by the outcome thereof be brought as party arrayed either as co-Petitioner or Respondent so that this Hon'ble Court will be able to go into the entire gamut and arrive at a just and equitable decision.

4. The Petitioners are advised that more than 95% of the legal fraternity are lawyers not designated as Senior Advocates and the rest designated as such constitute to be 1% or 2% of the total strength of the lawyer population. The Petitioners are further told that 95% of those designated as Senior Advocates are from the legal dynasties, the elite class of lawyers, the kith and kin, nephews and juniors of sitting and former Judges of the Supreme Court and High Courts, so too of celebrated lawyers, Chief Ministers, Governors et al, and a few first generation lawyers who are all politically connected or are close to big industrial houses. The Petitioners are made to understand that hardly anyone from the first-generation lawyers with humble backgrounds, whatever may be their academic and other achievements, is ever designated as a Senior Advocate. Even the few, the very few of the first-generation lawyers who are designated as Senior Advocates hail from the elite class or who are politically well connected. In short, designation of an Advocate as a Senior Advocate is akin to a feudal title and is nothing but a synonym for unfairness, monopoly, discrimination, inequity and injustice. The fact that such a system, literal apartheid and equality among lawyers came to be tolerated, nay, even sought to be justified in the temples of justice, the very

mechanism the founding fathers have envisaged against inequality, injustice, monopoly and tyranny is sad indeed.

5. Seventy years after independence, India still largely remains to be a feudalistic country. Even the office of the Prime Minister has been passed on to many a generations of Nehru and Gandhi families, which is nothing but the institution of the prime ministership, a democratic office, becoming an inheritable hereditary dynasty office. Most of the regional political parties today have been reduced to political dynasties. With Hon'ble Shri Narendra Modi assuming office as the Prime Minister, so far as his office is concerned, there is an end to the feudal dynastic succession to the said office. With Shri Arvind Kejriwal as the Chief Minister of Delhi, there is a ray of hope that the dynastic politics will give way for true democracy. However, so far as our judiciary is concerned, there is no such hope. The Petitioners beg to say so because the effort made by the Hon'ble Prime Minister to bring an end to the collegium system of selection, appointment and transfer of Judges of the higher judiciary, which is nothing but a synonym for dynasty of judicial and legal families, nay, nepotism, was defeated by the judgment of the Five-Judge Constitution Bench of the Supreme Court in the NJAC case, striking down as unconstitutional the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointment Commission Act, 2014. It was a calculated and dishonest move by the elite class of lawyers in Delhi. They used the Supreme Court Advocates-on-Record Association as a pawn to attack the NJAC on the specious premise that the independence of judiciary is at peril. The reality

was that NJAC was indeed a mini collegium with the Chief Justice of India being the Chairman and the two senior-most judges being its members, in other words, judges constituting to be 3 out of the 6 members. The judiciary had absolute predominance. The Government, the executive accountable to the people, had only a sole representative in the Law Minister as the sixth member and convener of the NJAC. For reasons difficult to be fathomed, the media too, allowed itself to be an instrument for spreading misinformation. It is no exaggeration to say that even informed members of the public, even in the Bar and the press, even today carry the wrong impression that the NJAC was a sarkari commission with sweeping powers in the government, whereas, the truth was that the real power was with the judiciary, for, if two judges were to oppose an appointment that was impossible to be made.

6. With the declaration of the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointment Commission Act, 2014 as unconstitutional and void and every effort made by the NLC and other public-spirited lawyers and litigants to secure the judgments in the NJAC case and the Judges-2 case to be set aside by means of review petitions and Writ Petition and rejection thereof on the ground that the review sought for is belated, failing to notice that one of the review Petitioners, a minor aspiring to be a Judge was born in 2009, the prospect of dismantlement of the collegium system has been put to great jeopardy.

7. The system of designation of a lawyer as a Senior

Advocate is the single reason for the erosion of the faith of the common man in the justice delivery system of this country. The British had left as its legacies many an unwelcome thing – poverty, inequality, injustice etc., in all their form and shape. However, the system of administration of justice which we inherited from them was pristine. That is the reason why even after independence the people of this country were willing to accept the Privy Council as the supreme judicial body to which appeals from India laid. The pure stream of justice which we inherited from the British came to be polluted and the common man's trust in the institution came to be eroded to no insignificant extent only because of the pernicious system of classification of lawyers into two categories or classes, namely, the elite dynasties and the ordinary lawyers, the underdogs. With the collegium system where Judges appoint themselves, the Judges, who hail from a few families, anointed their immediate relatives and juniors as Senior Advocates, some of whom attaining just the age of 40 years. The lawyers designated as Senior Advocates are like eagles in the midst of large number of crows because they alone carry the awe and acceptance of the Judges. The said system undoubtedly amounted to discrimination and injustice among lawyers, which indeed strikes at the very root of justice delivery system, which ought to be impartial, independent and citizen friendly. The Petitioners, however, are more concerned with the injustice which the said system has resulted so far as the interest of the poor litigants is concerned. This issue, which is the core of the instant Writ Petition, needs to be dealt with, which is attempted as infra.

8. With the Supreme Court and the High Courts literally acting in substitution of the Civil Courts and entertaining even petitions challenging the constitutionality of Acts of Parliament and statutory instruments, which function falls in the exclusive domain of the Civil Court as a Court of plenary jurisdiction, competent, empowered, nay, duty bound to embark upon any controversy of a civil nature under the sun, unless barred by law, major litigations of great financial stake primarily fall in the Supreme Court and the High Courts. Unlike the Civil Courts, the jurisdiction which the Supreme Court and the High Courts exercise under Articles 32 and 226, respectively, is proclaimed to be a discretionary one; so too the jurisdiction which the Supreme Court exercises under Article 136 which in express terms states that "the Supreme Court may, in its discretion ...". Articles 32, 136 and 226 all being discretionary jurisdiction, the Judge concerned is literally the law, his likes and dislikes, prejudices and even idiosyncrasies, which are, indeed, a matter of concern. What one still shudders to think, is that in reality, what matters is not even the final outcome of the Writ Petition or SLP or a Civil Appeal, but the interim orders which are either granted or refused. Interim orders fall within the exclusive discretionary domain of the Judge concerned. Judicial discretion though often cautioned to be a discretion to be exercised not wantonly and capriciously but guided by reason and tradition, nay, *discretio est discernere per legem quid sit justum* - discretion is to discern through law what is just, in reality it is nothing but the likes, dislikes, prejudices and bias, nay, even the idiosyncrasies of the Judge concerned.

9. The system of designation of a lawyer as a Senior Advocate strikes at the very root of the justice delivery system because a mere observation of the proceedings in Courts – there is no need for any detailed study, much less any statistics – goes to show that in almost 90% of cases where a designated Senior Advocate appears, the Court has always granted the interim relief sought for, say an injunction or status quo order, whereas where an ordinary lawyer has appeared, no such order is granted. The fate of a case, to repeat, largely depends upon not the final order to be passed, but upon the interim order. A lawyer succeeds or flourish in his profession or perish, all depends upon his ability to get interim orders, in the common man's language, a stay or status quo order. So far as this Hon'ble Court is concerned, often a litigant need to engage a Senior Advocate to mention a matter to get an emergent listing. In short, the system of designation of a lawyer as a Senior Advocate, which results in denial of interim orders where a litigant is represented by an ordinary Advocate and the opposite where he engages a Senior Advocate, means complete denial of justice, which fact is beyond dispute. Such a scenario is the most scandalous one and that alone establishes that unless and until the said system is abolished and all lawyers are treated alike, there shall never be justice or fair play.

10. The Petitioners are advised not to delve into the damage which the system of designation of a lawyer as a Senior Advocate has done to administration of justice qua lawyers since this petition may not be the most appropriate means to deal with the same. Suffice is to say that it has led to apartheid among

lawyers, not to speak of injustice and inequality. The Petitioners are made to understand that the NLC instituted a Writ Petition, namely, Writ Petition (C) No. 6331 of 2016 in the High Court of Delhi challenging Sections 16(2) and 23(5) of the Advocates Act. The said petition came to be transferred to the Supreme Court, was heard along with a PIL titled *Indira Jaising v. Supreme Court of India & Ors.*, (2017) 9 SCC 766, and came to be disposed of by judgment and order dated 12.10.2017. The petitioners beg to produce a copy of the said Writ Petition and the judgement of the Supreme Court at the time of the hearing, across the bar.

11. In the abovementioned Writ Petition, the entire gamut of the pernicious practice of categorizing lawyers into two categories and its disastrous consequence; so too the denial of justice to poor litigants qua the preferential treatment to the elite and rich litigants were dealt with elaborately, pleading that the said practice cuts the concept of equality before law and equal protection of law enshrined in Article 14 at its very root. With utmost respect the Petitioners beg to submit that the petition filed by Ms. Indira Jaising was not concerned with the denial of justice to the poor litigants who are unable to engage a Senior Advocate as they cannot afford it. In the petition of Ms. Jaising, there was also no concern about denial of justice to the ordinary class of lawyers representing the poor litigants. The said petition was only concerned with non-designation of some lawyers, though not named therein, as Senior Advocates whom Ms. Jaising considered to be eligible and deserving to be so designated, particularly those

who institute PILs, claiming themselves to be the self-appointed guardians of public interest by calling upon the High Courts and the Supreme Court to enter into the domain of the executive and the legislature, a forbidden province, which has resulted in a scenario where Courts cease to be an adjudicator, a *judex*, but more than that an actor, and bind the public at large who have no notice of the PILs and thus had no opportunity to partake in the proceeding and be bound by the judgments therein. In other words, the petition of the NLC, which dealt with the real issues arising from Sections 16(2) and 23(5) of the Advocates Act and the need to declare them as unconstitutional, came to be brushed under the carpet and the narrow non-issues canvassed by Ms. Jaising asking for guidelines in the matter of designation of lawyers as Senior Advocates, which is nothing but calling upon the Supreme Court to enact, came to be entertained by the judgment, a calamitous one, reported in (2017) 9 SCC 766, without any discussion about the unjust impact the said Sections have on the rights of poor litigants for equal justice and of the ordinary lawyers representing their cause for equal and non-discriminatory treatment. The Petitioners crave leave of this Hon'ble Court to produce a copy of the judgment reported in (2017) 9 SCC 766 across the Bar.

12. The Petitioners, and for that matter not a single litigant, the consumer of the justice delivery system, which certainly cannot be the lawyers and Judges but which, unfortunately, is the sad perception today, were not parties to the petition of Ms. Jaising, nor were they heard. It is a fundamental principle of law that a judgment of a Court, even of the Full Court

of the Supreme Court, only binds the parties to the proceeding and not third parties even if the proceeding was a representative one, for, the mere fact that the proceeding is a representative one does not make the judgment rendered therein a judgment in rem binding the whole world. The petition of Ms. Jaising was not a representative one. Assuming it to be so, that is one where she has represented a few elite lawyers whom she considered to be eligible and deserving to be considered as Senior Advocates but were not designated as such by the Supreme Court. Ms. Jaising did not at all raise the concern or the injustice which the designation system has caused to the Petitioners and millions of litigants in the different parts of the country who are denied justice because they could not afford to engage a Senior Advocate to represent them. Therefore, the judgment reported in (2017) 9 SCC 766 does not constitute to be an estoppel. The issues raised in the instant petition are not dealt with in the said judgment. The issues raised by the Petitioners herein were, to some extent, dealt with in the Writ Petition filed by the NLC which, unfortunately, were not considered, discussed or in any manner dealt with by the Supreme Court in the judgment reported in (2017) 9 SCC 766. The issues raised in the instant petition, therefore, are entirely res integra. To repeat, they are not barred by the doctrine of res judicata.

13. The Petitioners believe that a time has come when the real stakeholders of the institution of judiciary, the litigant public, the consumers of justice, take to all legal, constitutional and democratic means to secure justice, for, the institution of judiciary

has been monopolized by a few dynasties, the elite, the super elite, the rich and the super-rich. The Petitioners consider that the instant Writ Petition is the first step in the long journey for radical reforms, without which the institution of judiciary will remain inaccessible to the ordinary citizens who constitute to be 90% of the population, and the most important step in that direction is to seek a declaration that Sections 16(2) and 23(5) of the Advocates Act, 1961 are unconstitutional and once that is achieved the other major reforms like abolition of the collegium system and in substitution thereof a credible mechanism of open selection by advertisement of vacancies of Judges and invitation of applications, which would ensure that most suitable lawyers, deserving, eligible and competent, even the first generation lawyers hailing from humble background too will get an opportunity to adorn the august office of the Judges of the higher judiciary, which will ensure a gradual change in the composition of the Judges in the High Courts and the Supreme Court from that of the elite class to ordinary class of lawyers, the sons and daughters of taxi drivers, farmers, fishermen, rickshaw pullers, daily wagers, teachers et al.

14. There is ever growing public opinion against the practice of Judges designating lawyers as Senior Advocates, which has caused irreparable damage to the institution of judiciary for a Bar which is fearless, erudite and independent is the very foundation of a fair judiciary. At a time when the common people thought the judiciary will abandon the pernicious practice of designation of lawyers as Senior Advocates, the Bombay High Court issued a notification designating 22 lawyers, Respondent

Nos. 4 to 25. There are serious allegations of professional and other misconduct, even criminal cases against some of them. Since in the instant Writ Petition, the very validity of the Sections 16 and 23(5) of the Advocates Act, 1961, are challenged, the Petitioners are advised that it may not be appropriate to elaborate on the allegations against some of them so designated, the Petitioners therefore refrain from doing so. A copy of the Notification dated 11.2.2020 is produced as **Exhibit "A"**. The annexure Exhibit A is nothing but a charter of who's who, how he is connected to the Judges and the powerful lobby of elite class lawyers. The notification is an unmistakable declaration that, in the matter of designation of a lawyer as a Senior Advocate, all that matters is kinship, connections and lineage, to say the least.

Hence, the instant Writ Petition on the following, amongst other, grounds:

GROUND

Grounds in support of the reliefs sought for are fairly elaborated in the statement of facts above and hence are not repeated. The Petitioners respectfully submit that paragraphs 1 to 13 hereinabove may be read and treated as the grounds in support of the instant Writ Petition.

14. The Petitioners crave leave of this Hon'ble Court to add to, alter, amend and/or modify any of the aforesaid grounds as and when required.

15. No other application in respect of the subject-matter of this Petition has been filed either in the Hon'ble Supreme Court of India or in this Hon'ble High Court, except the proceedings stated in the statement of facts.

16. The Petitioners state that requisite Court-fee of Rs.250/- as per Rules has been paid.

17. The Petitioners state that there is no period of limitation for preferring this Petition and hence the same is within limitation.

18. The Petitioners state that the cause of action has arisen in Mumbai and hence this Hon'ble Court has jurisdiction to entertain this Petition.

19. The Petitioners state that they shall rely upon documents a list whereof is annexed hereto.

THE PETITIONERS, THEREFORE, PRAY THAT THIS HON'BLE COURT BE GRACIOUSLY PLEASED TO:

a) declare that Sections 16 and 23(5) of the Advocates Act of 1961 is unconstitutional and void, in as much as it unfairly creates two classes of lawyers, namely, senior advocates and others, and unjustly favours the former at the expense of the latter, and unfairly discriminates the latter, and thereby bringing into existence a form of

apartheid and inequality among lawyers of which the ultimate victim is the poor litigant, who out of his lack of financial resources is unable to seek the legal services of a designated senior advocate whom the public at large perceives alone to be able to represent their cause effectively in the superior courts because the common perception is that the judges show special affinity and favour to the elite class of lawyers and contra to the ordinary lawyer, constituting to be 95 percent of the legal fraternity and thereby violates Articles 14, 18, 19 and 21 of the Constitution so far as the litigant public and members of the Bar are concerned.

b) declare that the Rules framed by the High Court Of Judicature at Bombay Original Side under Section 16(2) of the Advocates Act, 1961, by which an Advocate is designated as a Senior Advocate is unconstitutional and void ab initio being violative of Articles 14, 18, 19 & 21 of the Constitution;

c) declare that Exhibit A notification by which Respondent Nos. 4 to 25 are designated as Senior Advocates is unconstitutional and void for the added reason that the said selection was wholly non-transparent, opaque, arbitrary and unfair and to issue a consequential writ or order quashing Exhibit A notification.

d) declare that the very concept of designation of a lawyer

as Senior Advocate by the judges and through secret ballot will undermine the concept of a fearless and independent Bar, for, the scenario today is that a lawyer cannot even dream of professional success without being designated as a Senior Advocate at the mercy of the Judges.

e) Without prejudice to the prayers (a), (b) and (c) above, to declare that the separate dress code for Senior Advocates and others which makes the discrimination of the non-designated lawyers open and manifest, so too, the favored treatment to the designated lawyers, both being a naked violation of Articles 14, 18, 19 and 21 of the Constitution and consequential writ in the nature of mandamus directing the Bar Council of India to provide for a dress code common to all lawyers, considering the need to depart from the current dress code, a relic of the Colonial past.

g) declare that sub-Section (5) of Section 23, which confers upon the Senior Advocates, who often represent the cause of the elite, the rich and the powerful and at times are pitted against the ordinary citizens, the poor and the miserable, a right of pre-audience over other Advocates, is unconstitutional and void inasmuch as such division/classification of lawyers into two classes and discriminatory treatment of affording pre-audience to one class of lawyers is violative of the equality clause, nay, the very basic structure of the Constitution, so too Articles 19

and 21, which are to be read together with Article 14 thereof and consequently to grant a writ in the nature of injunction or prohibition or mandamus against granting such right of pre-audience or any other privilege to Advocates inter se, and in particular to the advocates designated as Senior Advocates;

INTERIM RELIEF

(h) issue an ad interim injunction restraining and prohibiting the Respondent Nos. 4 to 25 who were designated by virtue of the Exhibit A notification, lest irreparable injury should be caused to the larger public interest.

(i) pass such further and other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

VERIFICATION

I, _____ Petitioner No.____ abovenamed,
_____, do hereby solemnly declare that what is
stated in paragraphs 1 to ____ of the foregoing Petition are true to
my own knowledge and belief and what is stated in the remaining
paragraphs _____ to _____ are based on information which I
believe to true and correct.

Solemnly declared at Mumbai]

this ____ day of February, 2020.]

Petitioner No.____

Advocate for the Petitioners

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

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The Full Court of the Hon'ble High Court
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...Respondents

AFFIDAVIT

I, _____, do hereby solemnly affirm and state as follows:-

1. That I am the Petitioner companying the above Writ Petition filed under Articles 226 of the Constitution of India. I am fully acquainted with the facts and circumstances of the case and, hence, competent to swear this affidavit.

2. That, the accompanying Writ Petition has been drafted by my Counsel on my instructions. I have read and understood the contents of the same which are true and correct to my knowledge and belief. No fact of it is false and nothing material has been concealed therefrom.

3. That, the Annexures filed along with the Writ Petition are the true and correct copies of their respective originals.

Solemnly affirmed at Mumbai

]

on this _____day of February, 2020.

]

Deponent

Advocate for the Petitioner

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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MEMORANDUM OF REGISTERED ADDRESS

ROHINI M. AMIN

Advocate for Petitioner

Advocates for the Petitioner

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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LIST OF DOCUMENTS

1. Documents and Exhibits referred to and relied upon in the Petition.
2. Documents annexed to this Petition.
3. Any other documents.

Advocate for Petitioner

As I am not the member of Advocate's welfare fund, the Additional Court fee is not affixed

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. OF 2018

1. Sunil Gupta
President National Litigants Association,

2. Dhanesh Jain
National Litigants Association,

3. Kanchan Sharad Rochlaney
National Litigants Association,

4. L Ramanathan
National Litigants Association,

... Petitioners

Versus

1. The Full Court of the
Hon'ble High Court of Judicature at Bombay,
Mumbai-400 032, represented by the

Hon'ble the Chief Justice.

2. The Registrar General,
Hon'ble High Court of Judicature at Bombay,
Mumbai-400 032.

3. The Union of India,
represented by its Secretary in the
Ministry of Law and Justice,
Department of Legal Affairs,
4th Floor, A-Wing, Shastri Bhawan New Delhi-110 001

4. Shri Rajkumar Bhaskar Thakare

5. Shri Jayant Pandurang Mulgaonkar

6. Shri Mukesh Vitthalrao Samarth

Shri Ramchandra Gajanan Ramani

8. Shri Agnelo Francis Diniz

9. Shri Rajendra Vyankatesh Pai

10. Shri Ravindra LaxmanraoKhapre

11. Shri TushadKhurshed Cooper

12. Shri Santosh Rama Rivankar

13. Shri SanjogSadanandParab

14. Shri Rajendra Adhik Shirodkar

15. Shri Manoj Shamrao Mohite

16. Shri Pradeep ShivnarainJetly

17. Shri Rajendrakumar Sudhakar Deshmukh

18. Shri Vijaykumar DamodharSapkal

Shri Vishwajit Parshuram Sawant

20. Shri Aabad I-Jarshagponda

21. Shri SnehaKrishnakant Shah

Shri Nikhil MO Sakhardande

23. Dr, Shri Birendra Kumar Saraf

24. Shri ZalTehmtanAndhyarujina

25. Shri Sharan Haresh Jagtiani

lawyers designated as
Senior Advocates in the Full House Meeting
of the Bombay High Court held on 12.2.2020

26. The Bar Council of Maharashtra & Goa,
3rd Floor, Annex Building, Bombay High Court, Bombay

27. The Bombay Bar Association,
56, 3rd Floor, Bombay High court, Main building, Mumbai

28. The Advocates Association of Western India,
Bar Room No. 36, 1st Floor, High Court,
Fort Mumbai, 400032

29. The Bar Council of India,
Bar Council of India
21, Rouse Avenue Institutional Area,
Near Bal Bhawan,
New Delhi – 110 002

30. The National Lawyers' Campaign for
Judicial Transparency and Reforms,

represented by its
President Shri Mathews J. Nedumpara. ... Respondents

VAKALATNAMA

We, the Petitioners abovenamed, hereby appoint Mrs. Rohini M. Amin, Mrs. PreetiDambre and Ms. Maria Nedumpara, Advocates, Mumbai to act, appear and plead on my behalf in the above matter.

IN WITNESS WHEREOF I have set and subscribed my hand to this writing at Bombay.

Dated this _____ day of February, 2020.

(Petitioner No.1)

(Petitioner No.2)

(Petitioner No.3)

(Petitioner No.4)

(Petitioner No.5)

Accepted:

Rohini M. Amin

PreetiDambre

Maria Nedumpara

Advocates

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

**ORDINARY ORIGINAL CIVIL
JURISDICTION**

WRIT PETITION NO. OF 2020

Sunil Gupta &Ors ...Petitioners
Versus
The Full Court of the Hon'ble High Court
of Judicature at Bombay &Ors
...Respondents

WRIT PETITION

Dated this ___ day of February, 2020

**Mrs. Rohini M.Amin
Shri R.R. Nair
Advocate for Petitioner**

