

Date: 07/06/2020

To,

**The Hon'ble The Chief Justice,  
High Court of Judicature at Allahabad,  
Allahabad.**

**Subject: *Anomalies created by the State Offices at the Hon'ble High Court, Allahabad by not receiving advance notices though Email of Fresh petitions/applications filed through E-Mode.***

My Lord,

1. That the undersigned is an Advocate by profession. He has passed his 5 years B.A.LLB course in the year 2017. He has also worked as Law Trainee in this Hon'ble Court from 2.1.2018 till 25.10.2018. He is currently practicing at this Hon'ble court and is enrolled with bar Council Of U P under Sri Anoop Trivedi Senior Advocate, along with his brother Sri Vibhu Rai Advocate.
2. That the undersigned is bringing to the knowledge of My lord the action of the offices of Chief Standing Counsel and Government Advocate, High Court Allahabad by which the said offices have refused to accept the notices of petitions through Email in gross derogation of the direction issued by this Hon'ble court.
3. That the undersigned has come before My lord with a concern that when E-filing procedure has been adopted and being promoted at each and every level of the country the above referred offices have passed the order insisting upon receiving advance notice of the petition by

manually handing over the copies of the petitions at those offices and not accepting the notices through electronic mode.

4. That the aforesaid action of the office of State is in gross derogation of the direction of this Hon'ble Court notified vide Order dated 11.04.2020.
5. That clause 8 of the order dated 11.4.2020 specifically provides that where any advance notice of the petition is to be given it shall be E-mailed to the concerned authority on the Email address specified therein.
6. That taking notice of clause 8 of the letter dated 11.04.2020 the Joint Registrar (J) (Computer) issued a complete list of details depicting the name, Email and contact details of advocates whom advance notices shall be served before filling of the application/ writ petition either on civil side or on criminal side.
7. That prior to the ongoing emergent situation due to COVID-19 an administrative order was issued on 16.08.2017 by The Registrar General of this court where in it has been specifically stated at point 12 as follows :

*“Notices, documents, pleadings filed electronically shall, unless impossible, be served electronically or through the postal department through their ePost services.”*
8. That thus action of not receiving the notices of petitions/applications on Emails provided by this court is also in derogation of aforesaid direction.
9. That during the period of COVID-19 when everyone is being encouraged not to move out from their house and as much as possible social distancing shall be promoted, then it is in-comprehensible how is the office of the Learned Government Advocate and the Chief Standing Counsel are not adhering to the said guide lines.

10. That COVID-19 has emerged as a pandemic as declared by the World Health Organization, in India a total number of 2,46,628 Cases has been reported till date. The figures include 1,20,406 active cases, 1,19,293 cured/discharged and migrated and 6,929 deaths and in the last 24 hours the maximum number no cases i.e. 9,971 new cases and 287 deaths have been reported.
11. That as of the statics of Prayagraj a total number of 128 cases have been reported till date and in the last 24 hours 5 new cases have been reported.
12. That looking to the emergent situation and following the guidelines issued by the central government from time to time it is utmost important that when a person who is filling his petition/application through E-mode the advanced notice service shall be done through the Email provided by this Hon'ble Court through letter dated 11.04.2020 and not manually.
13. That the whole purpose of filling through electronic mode shall fail if manual advance notice of the applicant has to be served upon the respondents/opposite parties.
14. That through letter dated 30.05.2020 this Hon'ble Court has allowed the parties to file their respective applications/ writ petitions manually but neither has issued any notice to stop filling of the applications through e-mode nor has it restricted the filing of the petitions through electronic mode.
15. That through letter dated 16.08.2017 it was notified that only certain type of cases shall be taken up by the e court and such type of chases shall only be filled through E-mode. But in the current situation where

social distancing is a must the Hon'ble Court has given an option for opting of either means for filing of the applications/ writ Petitions.

16. That prior to 04.06.2020, as per the instructions of this Hon'ble Court service of advance notice was accepted through email and it was considered as sufficient but suddenly without any directions from the Hon'ble Court, after 4.06.2020 an Email is being sent to the counsels serving advance notice through Email saying that the aforesaid service has been stopped and to provide hard copies of the documents. For kind perusal of this Hon'ble Court the following Email received is herein reiterated below:

a) From Government Advocate i.e.  
freshbailapplication@gmail.com

*"The receiving of the notices on the present Email id has been stopped w.e.f. 04-06-2020.*

*Kindly give the notice(s) of all type of Criminal matters, manually, in the Fresh Notice Counter Section (Basement), Office of the Government Advocate, High Court, Allahabad."*

b) From Chief Standing Counsel i.e. [cschcourt@gmail.com](mailto:cschcourt@gmail.com)

*"Sir,*

*Please provide hard copy of the above writ petition, sent by you, in the office of Chief Standing Counsel, High Court, Allahabad, manually and for this purpose you may please contact Sri P.K. Singh, Incharge Notice Section, on his mobile no(s). 9450614558, 9793046000.*

*Regards"*

That further due to the aforesaid the stamp reporting section of Hon'ble High Court has also started observing defect of Manual Service and Notice no. in the petitions filed through E mode.

17. That the aforesaid action of the State office is in gross contravention of Chapter XII Rule 10 Sub Clause (c) of High Court Rules wherein it has been specifically provided that the manner and mode of service has to be

decided by The Registrar General of the court and all parties concerned are bound to follow it.

*“Service of notice: - The provisions of Order V of the Code shall apply to the service of notice in all proceedings in this Court: 6 provided that—*

*(a) Where a party is represented by an Advocate notice of any proceeding in the case shall unless order otherwise be served on such Advocate;*

*(b) Notice to a person residing in a Presidency town or notice of an interlocutory application may be sent by registered post; and*

*(c) Where the Registrar General or the Court directs that a notice be served in a particular manner it shall be served in such manner.”*

18. That the aforesaid action of the State offices would frustrate the entire purpose of E-Filing and will render it meaningless as whenever a clerk or counsel would go to serve a notice physically at the state office then he would be vulnerable and open to danger of being infected.
19. That the whole purpose of social distancing will be defied when an advocate or his clerk would be required to go to these offices even when he is adopting electronic mode for filing of his application or his writ petition.
20. That in the past 2 months of the lockdown the Hon’ble Apex court has emphasized the working of the judicial system through electronic mode to curtail the danger of infection being spread.
21. That the action of the State office is also in derogation of the directions and intent of the Hon’ble Supreme Court.

22. That thus by this letter it is most humbly prayed that My Lord may take notice of the anomalies created by the State Offices in the Hon'ble High Court Allahabad and direct them to restore the facility of receiving notices by email as has been directed by this Hon'ble Court.

I will be very obliged,

Dated: 07/06/2020

Yours Sincerely,

**Dhananjai Rai,**

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\*Copy of the letter forwarded to The Registrar General High Court at Allahabad.