

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5633 of 2020

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In Re Functioning of Courts in Bihar during the period of COVID-19,
PANDEMIC Petitioner/s

Versus

The State of Bihar Respondent/s

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Appearance:

For the State : Mr. Lalit Kishore, Advocate General
For the Union of India : Dr. K. N. Singh, Addl. S.G.
For the Advocates' Association : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate
For the Lawyers' Association : Mr. Ajay Kumar Thakur, Advocate
Mr. Rajeev Kumar Singh, Advocate
For the Bar Association : Mr. Sanjay Singh, Advocate
Mr. Mukesh Kant, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

and

HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

12 01-10-2020 Heard Mr. Lalit Kishore, learned Advocate General,
Bihar-cum-Chairman, Bihar State Bar Council; Dr. K.N.Singh,
learned Additional Solicitor General of India (Patna); Mr.
Yogesh Chandra Verma and Mr. Shailendra Kumar Singh,
President and General Secretary, Advocates' Association; Mr.
Ajay Kumar Thakur and Mr. Rajeev Kumar Singh, President
and General Secretary, Lawyers' Association; and Mr. Sanjay



Singh and Mr. Mukesh Kant, President and General Secretary,
Bar Association of this Court.

On the unanimous request of the Bar, Clause (iii) with regard to physical filing at page 4 of the order dated 30.9.2020 by the AOR is modified to the extent that AOR shall include an ad hoc AOR till normal Court proceedings are resumed or otherwise directed by this Court.

In Clause (i) relating to e-filing in the order dated 30.9.2020 and in Clause (v) relating to physical filing at page 5 of the said order, the word 'accepted' is substituted by 'processed'.

Learned Advocate General, in very categorical and specific terms, submitted that the High Court should utilise the time until Durga Puja holidays to arrange adequate infrastructure, sanitization and security measures required for running physical courts in the exceptional circumstances created by Covid-19 pandemic, and thereafter initially only 3 to 4 courts should function physically. He further submits that the modalities of the cases to be taken up may be considered after resumption of physical Court proceeding in limited manner after Durga Puja holidays. At present, the Association halls and the library will not be functional.



Dr. K.N. Singh, learned Additional Solicitor General of India, Bihar, Mr. Ajay Kumar Thakur and Mr. Rajiv Kumar Singh, President and General Secretary of the Lawyers' Association, Mr. Sanjay Singh and Mr. Mukesh Kant, President and General Secretary of Bar Association and Mr. Shailendra Kumar Singh, General Secretary, Advocates' Association completely endorse the views of learned Advocate General.

However, Mr. Yogesh Chandra Verma, learned Senior Counsel and President of Advocates' Association initially agreed with the proposal of the learned Advocate General that no Court proceeding in physical mode should resume before Durga Puja holidays but, subsequently he differed with the views of learned Advocate General and submitted that 2 to 3 courts should resume in physical mode, but only for old hearing matters. Bail applications and admission matters need not be listed in the Courts functioning in physical mode. Mr. Verma further undertakes to control the footfall in case of resumption of Court proceedings in physical mode in a limited manner.

It thus appears that other than Mr. Verma, all stakeholders are against resumption of Court proceeding in physical mode before Durga Puja holidays, to be precise, till the beginning of November, 2020. The request of Mr. Verma will



be considered.

It is relevant to mention here that between 24.3.2020 (when lockdown commenced) and 30.9.2020 (yesterday), except the period in between from 27.7.2020 to 6.8.2020 (partial annual vacation), a total of over 36,651 cases were mentioned, out of which 13,485 were allowed to be listed. As many as 2,844 civil and 7,260 criminal matters were filed through e-filing mode, while 99 civil and 1,404 criminal cases were filed in physical mode. Hearing was conducted in respect of 10,036 civil matters and 27,109 criminal matters through e- mode, and 309 civil and 1,814 matters in physical mode. Disposal stood at 3,784 civil and 14,273 criminal matters in e-mode, and 1 civil matter and 952 criminal matters in physical mode.

At present, we are of the view that the Associations may allow their members limited access to the Halls and libraries on any two specified days to enable them to retrieve their documents, articles and belongings. It is expected that the two dates to be jointly chosen by the Associations will be intimated in writing to the Registry within a period of three days hereof.

Let this matter come up on Board on 19.10.2020. In the meantime, the interim order dated 18.05.2020 shall continue.



Registrar (List) shall ensure that a copy of this order is sent to all concerned through an electronic mode.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

(Hemant Kumar Srivastava, J)

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