

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2325 of 2024**

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DIPTIBEN SHANKARBHAI RATHAVA & ORS.

Versus

GUJARAT PUBLIC SERVICE COMMISSION & ORS.

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Appearance:

PRASHANT V CHAVDA(8510) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,26,3,4,5,6,7,8,9

for the Respondent(s) No. 1,3

MR SAHIL TRIVEDI, ASST GOVERNMENT PLEADER/PP for the

Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 01/04/2024****ORAL ORDER**

1. None is present for the petitioners. Heard learned AGP Mr.Sahil Trivedi for the respondent - State.

2. As noted by this Court in the order dated 27.03.2024, this Court has noted the absence of learned advocate Mr.Prashant V. Chavda who had filed the petition on behalf of the petitioners. In spite of the specific directions that learned advocate shall either remain present or to make an alternative arrangement, learned advocate Mr. Chavda has not remained present before this Court and whereas no alternative arrangements are made.

3. On the contrary, petitioners who are present have raised a grievance that neither the said learned advocate is

responding their telephone calls nor learned advocate returning back the papers to the petitioners. It would appear that some of the petitioners would not want to prosecute their petition any further yet, in absence of appropriate assistance, even the said procedure could not be finalized by this Court. Be that as it may. As far as the petitioners are concerned, this Court deems it appropriate to give them time upto 08.04.2024 for engaging a learned advocate more particularly after taking appropriate steps under the Gujarat High Court Rules for relieving their advocate who has filed the present petition on their behalf.

4. In so far as learned advocate Mr. Chavda is concerned, the attitude of the learned advocate of not remaining present and filing sick / leave notes clearly points out that said learned advocate does not have any respect for the Court as well as the said learned advocate does not have any respect for due process of law. When this Court has repeatedly passed orders directing the said learned advocate to remain present or to make alternate arrangements, it was for the said learned advocate to ensure that appropriate alternative arrangement is made. It is to be noted that the matter had been heard on 13.02.2024 and whereas while it appears that the serious allegations are made against the officials of the State Government and whereas since this Court sought to know from the learned advocate as to the circumstances under which the allegations are made and the said query making the learned advocate uncomfortable, the said learned advocate had not appeared before this Court thereafter.

5. In the considered opinion of this Court, a learned advocate appearing for his clients is not merely a mouthpiece. Rather learned advocates are essentially officers of the Court whose solemn duty is to render assistance to the Court to arrive at a just conclusion to ensure that justice is rendered. Learned advocate Mr. Chavda by not remaining present inspite of repeated orders and also not co-operating with the petitioners has rendered exactly the opposite of the same, which is expected from learned advocate. The absence of the learned advocate has also resulted in unnecessary wastage of precious time of the Court. Under such circumstances, while this Court deems it appropriate to refer the conduct of the learned advocate to the Bar Council, this Court also deems it appropriate to impose cost of Rs.5000/- (Rupees Five Thousand Only) upon the learned advocate to be payable to the Gujarat State Legal Services Authority within a period of 30 days from the date of receipt of this order. If the present order is not complied with, than the Gujarat State Legal Services Authority shall be at liberty to take appropriate steps.

6. Further more, this Court proposes to refer the conduct of the said learned advocate to the Bar Council of Gujarat for appropriate action, more particularly since it appears to this Court that in addition to not appearing before this Court, the learned advocate has also not remained true to his profession by remaining evasive with his clients. The Bar Council based upon this order and the previous orders after giving appropriate notice, take appropriate action against the said learned advocate.

7. For the purpose of rendering one more opportunity to the petitioners, list this matter on **08.04.2024**.

DRASHTI K. SHUKLA

(NIKHIL S. KARIEL,J)