

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6710 OF 2019  
[@ SPECIAL LEAVE PETITION (C) NO. 20481 OF 2019]  
[DIARY NO. 29930 OF 2019]

OUDH BAR ASSOCIATION

Appellant (s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

with

CIVIL APPEAL NO. 6711 OF 2019  
[@ SPECIAL LEAVE PETITION (C) NO. 20508 OF 2019]  
[DIARY NO. 29741 OF 2019]

O R D E R

1. Permission to file Special Leave Petition(s) is granted.
2. Heard the learned counsel for the parties.
3. Leave granted. Notice to State is not necessary as the High Court has drawn suo-moto proceedings.
4. We find that the suo-moto exercise of the power by the High Court was absolutely uncalled for in such a matter of establishment of Education Tribunal at Lucknow not at Allahabad. It is for the aggrieved persons or the parties or the association(s) to take up the matter on the judicial side. It is a very unfortunate situation that both the Bar Associations have not acted in a responsible manner as is expected from them, the entire judicial system has been kept on ransom by going on strike.

5. We make it clear to the Office Bearers of both the Bar Associations are supposed to act in a responsible manner and not to resort to strike which has been done in the instant matter. We are told that the lawyers are on strike for a week in Oudh Bar Association and for some days in Allahabad Bar Association.

6. We request both the Bar Associations not to indulge in the strike at all as the courts are meant for delivering justice, the doors of which cannot be shut down to the litigants whose life, liberty and property are in danger. Lawyers have the duty not only to the system, but also to the society and the country. They belong to a noble profession which has a high respect in the society and that is why, lawyers form different respectable class of society. We expect that good sense will prevail in both the Bar Associations and they are not supposed to settle their demands by resorting to strikes which may lead to nothing but delaying the justice to the litigants. There are already approximately 10 lakh matters pending in the High Court of Judicature at Allahabad. That is why, more responsibility lies on the Office Bearers of both the Bar Associations to behave in a more responsible manner and to ensure that the Courts are not closed even for a day and work is

continuously done there, otherwise the day is not away when some devise will have to be worked out how the arrears can be reduced and speedy justice can be rendered to the litigants. If the Bar Associations resort to strike in this method and manner, this Court keeps the options open to take up the matter on the judicial side and to deal with it in accordance with law.

7. We further decline to comment on the merits of the impugned order as suo-moto exercise was wholly uncalled for and exercise of which has, in fact, resulted into agitation and cross-agitation in the Bar Associations. The impugned order is set aside. However, it is open to the aggrieved person to take recourse to the appropriate proceedings in accordance with law.

8. In view of the above, the appeals are disposed of.

.....J.  
[ ARUN MISHRA ]

.....J.  
[ M. R. SHAH ]

New Delhi;  
AUGUST 26, 2019.

ITEM NO.26 + 62

COURT NO.4

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Diary No. 29930 of 2019

(Arising out of impugned final judgment and order dated 16-08-2019 in PIL No. 1641/2019 passed by the High Court Of Judicature At Allahabad)

OUDH BAR ASSOCIATION

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

with

Diary No. 29741 of 2019

(exemption from filing c/c of the impugned Judgment, permission to file SLP)

Date : 26-08-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE M.R. SHAH

Counsel for the parties

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Mr. Devak Vardhan, Adv.  
Mr. Amrendra Nath Tripathi, Adv.  
Mr. Anand Mani Tripathi, Adv.  
Mr. Surya Prakash Singh, Adv.  
Mr. Suryodaya Prakash Tiwari, Adv.  
Mr. Angad Vishwakarma, Adv.  
Mr. Ashwani Kumar Singh, Adv.  
Mr. Rajat Singh, Adv.  
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Mr. Ranjit Kumar, Sr. Adv.  
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Mr. Raghavendra Ojha, Adv.

Mr. Sanjay Srivastava, Adv.

Mr. Hari Shankar Jain, Adv.

Mr. Vinay Rajput, Adv.

Mr. Vaishnavi Ranjana, Adv.

Mr. Ankur S. Kulkarni, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed  
of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
BRANCH OFFICER

(Signed order is placed on the file)