

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCRIMINAL APPEAL NO(S). 865/2025

JITENDER @ KALLA

Appellant(s)

VERSUS

STATE (GOVT.) OF NCT OF DELHI & ANR.

Respondent(s)

[HEARD BY : HON. ABHAY S. OKA, HON. UJJAL BHUYAN AND HON. S.V.N. BHATTI, JJ.]

WITH

W.P.(C) No. 454/2015 (PIL-W)

MA 1502/2020 in W.P.(C) No. 454/2015 (PIL-W)
(IA No. 45959/2022 - APPEAL AGAINST REGISTRARS ORDER XV RULE 5, IA No. 102359/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 72730/2022 - INTERVENTION APPLICATION, IA No. 55879/2023 - INTERVENTION APPLICATION, IA No. 95642/2020 - INTERVENTION/IMPLEADMENT AND IA No. 95821/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

MA 262/2023 in W.P.(C) No. 454/2015 (PIL-W)
[TO BE HEARD ALONG WITH CRIMINAL APPEAL NO. 865/2025]
(IA No. 36111/2023 - MODIFICATION)

Date : 13-05-2025 These matters were called on for pronouncement of judgment today.

For Appellant(s): Mr. Ashish Pandey, AOR
Mr. Prateek Rai, Adv.
Mr. Ashutosh Bhardwaj, Adv.
Mr. Shubham Saxena, Adv.
Mr. Anmol Goyal, Adv.
Mr. Akshit Chauhan, Adv.

Mr. Jaydip Pati, AOR

Mr. Arvind Kumar Sharma, AOR

Ms. Indira Jaising, Sr. Adv.
(Petitioner-in-person)

Dr. Anindita Pujari, Sr. Adv.
Mr. Mohan V Katarki, Sr. Adv.
Mr. Paras Nath Singh, Adv.
Mr. Shaileshwar Yadav, Adv.
Mr. Rohit Kumar, AOR

Ms. Bhumika Chouksey, Adv.

For Respondent(s): Mr. Tushar Mehta, Solicitor General
Mr. Suryaprakash V Raju, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Annam Venkatesh, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Vivek Gurnani, Adv.
Mrs. Astha Singh, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Digvijay Dam, Adv.

Ms. Indira Jaising, Sr. Adv.
(Petitioner-in-person)

Mr. Pranav Sachdeva, AOR
Ms. Neha Rathi, Adv.
Mr. Abhay Nair, Adv.
Mr. P Rohit Ram, Adv.

Mr. Aditya Narendranath, Adv.
Mr. Mohd Aman Alam, Adv.
Ms. M.B. Ramya, Adv.
Mr. Vipin Nair, AOR

Ms. Sharmila Upadhyay, AOR
Mr. Sarvjit Pratap Singh, Adv.

Mr. Sahil Tagotra, AOR

Dr. Anindita Pujari, Sr. Adv.
Mr. Mohan V Katarki, Sr. Adv.
Mr. Paras Nath Singh, Adv.
Mr. Shaileshwar Yadav, Adv.
Mr. Rohit Kumar, AOR
Ms. Bhumika Chouksey, Adv.
Mr. Ujjawal Gaur, Adv.
Mr. Shailendra Singh, Adv.
Mr. Harshvardhan Mall Vishen, Adv.

Mr. Ravi Raghunath, AOR

Mr. Prateek K Chadha, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Mr. Varij Nayan Mishra, Adv.

Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. Mohan Singh, Adv.
Mr. Aniket Rajput, Adv.

Ms. Khoisnam Nirmala Devi, Adv.
Mr. Yesu Mehta, Adv.
Mr. Kumar Mihir, AOR

Mr. Ashok Mathur, AOR

Mr. Shailesh Madiyal, Sr. Adv.
Ms. Dwivija Mahajan, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Korada Pramod Kumar, Adv.
Mr. Mesala Venu Gopal, Adv.
Mr. Nihant Panicker, Adv.
Mr. Ankolekar Gurudatta, AOR

Mr. Anilendra Pandey, AOR
Mr. Rajeev Kumar Ranjan, Adv.
Ms. Priya Kashyap, Adv.
Mr. Raj Ranjay Singh, Adv.

Mr. Merusagar Samantaray, AOR

Mr. Anandh Kannan N., AOR

Mrs. Nandini Gore, AOR

Mr. Prashant Singh, AOR

Mrs. Yugandhara Pawar Jha, AOR

Mr. Sunil Kumar, Sr. Adv.
Mr. Tuhin, AOR
Ms. Niyati Pathak, Adv.

Ms. Radhika Gautam, AOR

Applicant-in-person, AOR

Mr. Pai Amit, AOR
Ms. Pankhuri Bhardwaj, Adv.
Mr. Abhiyudaya Vats, Adv.
Mr. Nikhil Pahwa, Adv.
Mr. Kushal Dube, Adv.
Mr. Tathagata Dutta, Adv.

Mr. Anirudh Sanganeria, AOR

Mr. Ashok Mathur, AOR

Mr. Varun Thakur, Adv.
Mr. Ramkaran, Adv.
Mr. Satyam Nandan, Adv.
Mr. Umesh Babu Chaurasiya, Adv.

M/s. Varun Thakur and Associates, AOR

Mr. Vipin Nair, AOR
Mr. Amit Sharma, Adv.
Mr. Nikhil Jain, Adv.
Mr. Kaustubh Shukla, Adv.
Ms. Astha Sharma, Adv.

Hon'ble Mr. Justice Abhay S. Oka pronounced the reportable judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice Ujjal Bhuyan and Hon'ble Mr. Justice S.V.N. Bhatti.

IA No. 45959 of 2022 in IA Dy Nos. 145730-31 of 2021 in MA No. 1502 of 2020 in WP (C) No. 454 of 2015 is allowed and IA Dy Nos. 145730-31 of 2021, IA No. 55879 of 2023 in MA No.1502 of 2020 and IA No. 36111 of 2023 in MA No. 262 of 2023 are allowed and disposed of in terms of the signed reportable judgment. The operative portion of the reportable judgment reads thus:

"CONCLUSIONS

87. We, therefore, pass following orders:

(i) We direct that the directions contained in paragraph 73.7 of Indira Jaising-1 as amended by Indira Jaising-2 shall not be implemented;

(ii) It will be appropriate if all the High Courts frame Rules in terms of what is held in this decision within a period of 4 months from today by amending or substituting the existing Rules. The Rules shall be made keeping in view the following guidelines:

a. The decision to confer designation shall be of the Full Court of the High Courts or this Court;

b. The applications of all candidates found to be eligible by the Permanent Secretariat along with relevant documents submitted by the applicants shall be placed before the Full House. An endeavour can always be made to arrive at consensus. However, if a consensus on designation of Advocates is not arrived at, the decision-making must be by a democratic method of voting. Whether in a given

case there should be a secret ballot, is a decision which can be best left to the High Courts to take a call considering facts and circumstances of the given case;

c. Minimum qualification of 10 years of practice fixed by Indira Jaising-1 needs no reconsideration;

d. The practice of Advocates making applications for grant of designation can continue as the act of making application can be treated as consent of the Advocates concerned for designation. Additionally, the Full Court may consider and confer designation de hors an application in a deserving case;

e. In the scheme of Section 16(2), there is no scope for individual Judges of this Court or High Courts to recommend candidate for designation; and

f. At least one exercise of designation should be undertaken every calendar year.

(iii) The processes already initiated on the basis of decisions of this Court in the case of Indira Jaising-1 and Indira Jaising-2 shall continue to be governed by the said decisions. However, new process shall not be initiated and new applications shall not be considered unless there is a proper regime of Rules framed by the High Courts;

(iv) It is obvious that even this Court will have to undertake the exercise of amending the Rules/Guidelines in the light of this decision; and

(v) Every endeavour shall be made to improve the regime/system of designation by periodically reviewing the same by this Court and the respective High Courts.

88. Before we part with the judgment, we must compliment each and every member of the Bar who has assisted us. We must acknowledge the huge contribution of Ms. Indira Jaising, Senior Advocate in the entire process. She must be given full credit for starting a constructive debate on the issue. We hope and trust that her endeavour of bringing about objectivity and transparency in the process of designation succeeds.

89. The issues referred are answered accordingly.

90. IA No. 45959 of 2022 in IA Dy Nos. 145730-31 of

2021 in MA No. 1502 of 2020 in WP (C) No. 454 of 2015 is allowed. IA Dy Nos. 145730-31 of 2021, IA No. 55879 of 2023 in MA No.1502 of 2020 and IA No. 36111 of 2023 in MA No. 262 of 2023 are allowed and disposed of in terms of the above judgment.”

Pending applications, including the applications seeking impleadment/intervention, stand dispose of accordingly.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE REPORTABLE SIGNED JUDGMENT IS PLACED ON THE FILE]