

ITEM NO.1

COURT NO.1

SECTION PIL-W

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

S U O M O T U W R I T P E T I T I O N (C I V I L) N O . (S) . 2 / 2 0 1 8

I N R E : F I L L I N G U P O F V A C A N C I E S

(MR. SHYAM DIVAN, SR. ADV., MR. K.V. VISHWANATHAN, SR. ADV., MR. VIJAY HANSARIA, SR. ADV. AND MR. GAURAV AGRAWAL, ADV. RESPECTIVELY HAVE BEEN APPOINTED AS AMICUS CURIAE IN THE INSTANT MATTER. ISSUE TO BE HEARD ON 6.12.2018: STATE OF WEST BENGAL)

Date : 06-12-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

AMICUS CURIAE

State Of U.P.,
Maharashtra, Goa W.B.
Chhattisgarh, Delhi
N.E.States (excluding
Tripura)

Mr. Shyam Divan, Sr. Adv.
Mr. Udayaditya Banerjee, Adv.

Gujarat, H.P.,
J&K, Jharkhand,
Karnataka, Kerala

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Ravi Raghunath, Adv.

M.P., Odisha, Patna,
Punjab & Haryana

Mr. Vijay Hansaria, Sr. Adv.
Mr. Avnish Pandey, Adv.
Ms. Sneha Kalita, Adv.

Rajasthan, Sikkim,
Telangana, A.P.,
Tripura, Uttarakhand

Mr. Gaurav Agrawal, Adv.

For Parties :

State of W.B.	Mr. Suhaan Mukerji, Adv. Mr. Amit Verma, Adv. Mr. Abhishek Manchanda, Adv. Ms. Kajal Dalal, Adv. Ms. Dimple Nagpal, Adv. M/s. P.L.R. Chamber & Co., AOR
Calcutta High Court	Mr. Soumya Chakraborty, Sr. Adv. Mr. Kunal Chatterji, AOR
State of Gujarat	Ms. Hemantika Wahi, AOR
HC Gujarat	Mr. A.P. Mayee, AOR
State of H.P.	Mr. Vikas Mahajan, AAG Mr. Vinod Sharma, AOR
H.P. High Court	Mr. Ashok Mathur, AOR
J&K High Court	Mr. Bharat Sangal, AOR
State of J&K	Mr. M. Shoeb Alam, AOR Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
Jharkhand High Court	Mr. Krishnanand Pandey, AOR
State of Jharkhand	Mr. Tapesk Kumar Singh, Adv. Mr. Aditya Pratap Singh, Adv.
State of Karnataka	Mr. V.N. Raghupathy, AOR Mr. Lagnesh Mishra, Adv Mr. Parikshit P. Angadi, Adv.
High Court of Kerala	Mr. T.G.N. Nair, AOR
State of Kerala	Mr. G. Prakash, Adv. Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv.

Ministry of L & J	Mr. Aman Lekhi, ASG Mr. S. Wasim A. Qadri, Adv. Mr. R. Balasubramaniam, Adv. Mrs. Binu Tamta, Adv. Mrs. Swarupma Chaturvedi, Adv. Mr. Arvind Kumar Sharma, AOR
Gauhati High Court	Mr. Vijay Hansaria, Sr. Adv. Ms. Sneha Kalita, AOR
M.P. High Court	Mr. Arjun Garg, AOR
Patna High Court	For M/s. Parekh & Co.
State of Sikkim & HC of Sikkim	Mr. A. Mariarputham, Adv.Genl. Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Geetanjali, Adv. M/S. Arputham Aruna And Co, AOR
State of Goa	Ms. Manisha Ambwani, AOR.
Manipur High Court	Ms. Sneha Kalita, AOR
Orissa High Court	Mr. Sibor Sankar Misra, AOR
State of U.P.	Mr. Sanjay Kr. Tyagi, AOR Mr. Ajay Kr. Pandey, Adv. Mr. Aviral Saxena, Adv. Mr. Sandeep Singh, Adv.
GNCTD	Mr. Chirag M. Shroff, AOR.
State of Haryana	Mr. Sanjay Kr. Visen, AOR
Meghalaya High Court	Mr. Sanjai Kumar Pathak, AOR Ms. Shashi Pathak, Adv. Mr. Arvind Kumar Pathak, Adv.
State of Uttrakhand	Ms. Rachana Srivastva, AOR Ms. Monika, Adv.

State of Bihar	Mr. Abhinav Mukerji, AOR. Ms. Purnima Krishna, Adv. Mrs. Bihu Sharma, Adv.
Chhattisgarh High Court	Mr. Apoorv Kurup, AOR Mr. G. Kaushal, Adv.
State of Tripura	Mr. Shuvodeep Roy, AOR Mr. Rituraj Biswas, Adv.
State of Odisha	Mr. Shibashish Misra, AOR
State of Manipur	Mr. Leishangthem Roshmani, AOR
State of T.N.	Mr. M. Yogesh Kanna, AOR
U.T. of Chandigarh	Mr. Ankit Goel, AOR Mr. Saaket Jain, Adv.
State of A.P.	Mr. Guntur Prabhakar, AOR Ms. Prerna Singh, Adv.
BPSC & Sikkim High Court	Mr. Vishnu Sharma, AOR.
State of Meghalaya	Mr. Avijit Mani Tripathi, AOR
State of Meghalaya	Mr. Ranjan Mukherjee, AOR
State of Nagaland	Ms. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv.
U.T. of Andaman & Nicobar Admn.	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, AOR
State of Haryana	Dr. Monika Gusain, AOR
Guhati High Court	Mr. P.I. Jose, AOR
State of Punjab	Mr. Karan Bharihoke, AOR Mr. Kaushal Narayan Mishra, Adv. Ms. Navkiran Bolay, Adv.

State of Arunachal Pradesh	Mr. Anil Shrivastav, AOR
State of Rajasthan	Ms. Ruchi Kohli, AOR
State of Arunachal Pradesh	Mr. A. Tewari, Adv. Ms. Eliza bar, Adv. Mr. Shreepal Singh, AOR. Mr. Riju Mani Talukdar, Adv.
Govt. of Puducherry	Mr. V.G. Pragasam, AOR. Mr. S.Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.
State of Bihar	Ms. Abha R. Sharma, AOR
Rajasthan High Court	Mr. Sunil K. Jain, AOR Mr. Punya Garg, Adv. Mr. Abhishek Jain, Adv.
State of Chhatisgarh	Mr. Aniruddha P. Mayee, AOR
HC of Bombay	Mr. Aniruddha P. Mayee, AOR
Allahabad High Court	Mr. Ashok K. Srivastava, AOR
State of Mizoram	Mr. P.V. Yogeswaran, AOR Mr. Sunny Choudhary, AOR Ms. Ranjeeta Rohatgi, AOR Mr. Naveen R. Nath, AOR

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

STATE OF WEST BENGAL/HIGH COURT OF CALCUTTA

Following officers are present on behalf of the
State of West Bengal and High Court of Calcutta:

- A. On behalf of the State of West Bengal
(i) Mr. Malay Kr. De., Chief Secretary

- (ii) Mr. Hari Krishna Dwivedi, Finance Secretary
- (iii) Mr. Sandip Kumar Ray Chaudhury, Judiciary Secretary, Govt. of West Bengal.

B. On behalf of the Calcutta High Court

- (i) Mr. Ananda Kumar Mukherjee, Registrar General, Calcutta High Court

Yesterday i.e. 5th December, 2018 we had deferred the hearing of the case of the State of West Bengal/High Court of Calcutta insofar as availability of infrastructure and man-power to man the subordinate courts to today i.e. 6th December, 2018.

The deferment of the case yesterday i.e. 5th December, 2018 was necessitated by a last minute submission of a status report of the proposals approved by the State Government and the projects under construction, marked with letter 'X'.

At the hearing today on behalf of the State of West Bengal an update of the proposals under consideration (76 court halls and 31 residential units) by the State, marked with letter 'Y', has been submitted.

We have perused the report submitted yesterday i.e. 5th December, 2018 as well as updated report submitted in Court today i.e. 6th December, 2018. The same are taken on record.

From the status report submitted yesterday marked with letter 'X' it appears that under 22 different proposals construction of 131 court halls and 40 residential units are presently going on and different dates for completion of the construction commencing from 31st December, 2018 to 31st December, 2020 have been indicated. The majority of constructions, as it appears from the report, will be completed in the year 2019. We direct completion of the said constructions under the 22 proposals, contained in the report/document marked with letter 'X', as per time-schedule mentioned in the status report filed on behalf of the State of West Bengal.

Insofar as the proposals under consideration of the State is concerned, the Chief Secretary of the State, who is personally present, has assured the Court that such proposals which are in respect of 76 courts halls and 31 residential units have been received from the High Court and the same will be examined and finalized within a period of two months from today whereafter such of the proposals that will receive administrative approval will be completed by awarding contracts for construction which will be completed within 24 months from the date of grant of administrative approval.

On the basis of the aforesaid statement made by the Chief Secretary of the State of West Bengal we direct that necessary action in terms of the aforesaid statement/undertaking of the Chief Secretary be initiated forthwith.

There are several other proposals for construction of additional courts and residential units which are presently pending either with the High Court or the State Government. Such of the proposals that are pending with the State Government will be examined and necessary action be taken without any delay and such of the proposals that are yet to be submitted by the High Court to the State Government will be finalized by the High Court and sent to the State Government for necessary action.

The progress in terms of the directions above will be considered by this Court on the next date fixed i.e. 17th January, 2019 on which date the Chief Secretary of the State will file a status report indicating the progress achieved till the said date with regard to matters dealt with by the present order.

There is another aspect of the matter which has been brought to the notice of this Court by the learned Amicus Curiae Shri Shyam Divan. This is with regard to the basic sanitation facilities in the court complexes in the State

of West Bengal.

Shri Shyam Divan, learned Amicus Curiae, on instructions, has submitted that the situation is alarming and adequate provisions for maintaining sanitation and hygiene, etc. besides basic cleanliness has to be ensured by the State Government in the court complexes.

The Chief Secretary of the State Government is directed to have the matter examined in respect of each Court complex of the State and submit a report of the situation prevailing on the ground along with photographs including the action proposed to be taken. This information will be laid in the status report to be filed on or before 17th January, 2019 to enable the Court to consider this aspect of the matter on the next date fixed i.e. 17th January, 2019.

The personal appearance of the Chief Secretary and Finance Secretary of the State of West Bengal as well as Registrar General of the High Court of Calcutta is not required on the next date fixed i.e. 17th January, 2019 provided status report to be filed is complete and adequate.

[VINOD LAKHINA]
AR-cum-PS

[ANAND PRAKASH]
BRANCH OFFICER

N.B. The reports filed in the Court marked with letter 'X' and letter 'Y' are attached with the present ROP for necessary action.