SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017

BAIDYA NATH CHOUDHARY

Petitioner(s)

VERSUS

DR. SREE SURENDRA KUMAR SINGH

Respondent(s)

[AS FIRST ITEM]

(IA No. 100739/2022 - APPLICATION FOR PERMISSION and IA No. 11741/2023 - APPLICATION FOR PERMISSION and IA No. 118729/2020 -APPLICATION FOR PERMISSION and IA No. 92461/2022 - APPLICATION FOR PERMISSION and IA No. 168995/2024 - APPLICATION FOR PERMISSION and IA No. 118904/2020 - APPLICATION FOR PERMISSION and IA No. 83152/2019 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 161413/2019 -APPROPRIATE ORDERS/DIRECTIONS and IA No. 63715/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 178791/2019 - CLARIFICATION/DIRECTION and IA No. 118908/2020 - CLARIFICATION/DIRECTION and IA No. 103912/2022 - CLARIFICATION/DIRECTION and IA No. 12124/2023 -CLARIFICATION/DIRECTION and IA No. 161054/2019 CLARIFICATION/DIRECTION and IA No. 100741/2022 CLARIFICATION/DIRECTION and IA No. 41635/2024 - CONDONATION OF DELAY IN FILING and IA No. 958/2023 - CONDONATION OF DELAY IN FILING REJOINDER and IA No. 82029/2020 - EARLY HEARING APPLICATION and IA No. 58540/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 82033/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 63719/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 157214/2019 - EXEMPTION FROM FILING O.T. and IA No. 157255/2019 - EXEMPTION FROM FILING O.T. and IA No. 157288/2019 - EXEMPTION FROM FILING O.T. and IA No. 59644/2023 - EXEMPTION FROM FILING O.T. and IA No. 116546/2019 - EXEMPTION FROM FILING O.T. and IA No. 157196/2019 -EXEMPTION FROM FILING O.T. and IA No. 157249/2019 - EXEMPTION FROM FILING O.T. and IA No. 157283/2019 - EXEMPTION FROM FILING O.T. and IA No. 157170/2019 - EXEMPTION FROM FILING O.T. and IA No. 157245/2019 - EXEMPTION FROM FILING O.T. and IA No. 157276/2019 -EXEMPTION FROM FILING O.T. and IA No. 168327/2021 - EXEMPTION FROM FILING O.T. and IA No. 92467/2022 - EXEMPTION FROM FILING O.T. and IA No. 53639/2023 - EXEMPTION FROM FILING O.T. and IA No. 157240/2019 - EXEMPTION FROM FILING O.T. and IA No. 157274/2019 -EXEMPTION FROM FILING O.T. and IA No. 82031/2020 - EXEMPTION FROM FILING O.T. and IA No. 157151/2019 - EXEMPTION FROM FILING O.T. and IA No. 157235/2019 - EXEMPTION FROM FILING O.T. and IA No. 157267/2019 - EXEMPTION FROM FILING O.T. and IA No. 118909/2020 -EXEMPTION FROM FILING O.T. and IA No. 157052/2019 - EXEMPTION FROM FILING O.T. and IA No. 157230/2019 - EXEMPTION FROM FILING O.T. and IA No. 157266/2019 - EXEMPTION FROM FILING O.T. and IA No. 162128/2019 - EXEMPTION FROM FILING O.T. and IA No. 40511/2022 -EXEMPTION FROM FILING O.T. and IA No. 155887/2019 - EXEMPTION FROM

FILING O.T. and IA No. 157229/2019 - EXEMPTION FROM FILING O.T. and IA No. 157265/2019 - EXEMPTION FROM FILING O.T. and IA No. 63717/2020 - EXEMPTION FROM FILING O.T. and IA No. 100742/2022 -EXEMPTION FROM FILING O.T. and IA No. 11743/2023 - EXEMPTION FROM FILING O.T. and IA No. 155855/2019 - EXEMPTION FROM FILING O.T. and IA No. 157220/2019 - EXEMPTION FROM FILING O.T. and IA No. 157256/2019 - EXEMPTION FROM FILING O.T. and IA No. 132164/2019 -EXEMPTION FROM FILING O.T. and IA No. 58530/2020 - EXTENSION OF TIME and IA No. 7488/2022 - EXTENSION OF TIME and IA No. 6671/2020 - EXTENSION OF TIME and IA No. 136398/2020 - EXTENSION OF TIME and IA No. 39781/2022 - EXTENSION OF TIME and IA No. 118732/2020 -INTERVENTION APPLICATION and IA No. 100737/2022 -INTERVENTION APPLICATION and IA No. 205073/2022 - INTERVENTION APPLICATION and IA No. 92464/2022 - INTERVENTION APPLICATION and IA No. 205058/2022 - INTERVENTION APPLICATION and IA No. 53620/2023 - INTERVENTION APPLICATION and IA No. 205050/2022 - INTERVENTION APPLICATION and IA No. 26236/2023 - INTERVENTION APPLICATION and IA No. 118905/2020 - INTERVENTION APPLICATION and IA No. 40509/2022 - INTERVENTION APPLICATION and IA No. 11742/2023 - INTERVENTION APPLICATION and IA No. 59642/2023 - INTERVENTION/IMPLEADMENT and IA No. 25269/2020 -INTERVENTION/IMPLEADMENT and IA No. 36592/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

CONMT.PET.(C) No. 103-104/2019 in C.A. No. 2788-2789/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 379-380/2019 in C.A. No. 2788-2789/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 373/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

Diary No(s). 11254/2023 (XVI) (IA No. 55051/2023 - EXEMPTION FROM FILING O.T.)

Diary No(s). 42531/2018 (XVI)

CONMT.PET.(C) No. 2199/2018 in C.A. No. 2703/2017 (XVI) (IA No. 115693/2019 - APPLICATION FOR PERMISSION and IA No. 608/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 195897/2019 - EXEMPTION FROM FILING O.T. and IA No. 195893/2019 - EXEMPTION FROM FILING O.T. and IA No. 175799/2018 - EXEMPTION FROM FILING O.T. and IA No. 172668/2019 - EXEMPTION FROM FILING O.T. and IA No. 172666/2019 - EXEMPTION FROM FILING O.T. and IA No. 172656/2019 - EXEMPTION FROM FILING O.T. and IA No. 172651/2019 - EXEMPTION FROM FILING O.T. and IA No. 115699/2019 - EXEMPTION FROM FILING O.T. and IA No. 195899/2019 - EXEMPTION FROM FILING O.T. and IA No. 115697/2019 - INTERVENTION APPLICATION)

CONMT.PET.(C) No. 359/2019 in C.A. No. 2703/2017 (XVI) (IA No. 32975/2019 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

CONMT.PET.(C) No. 372/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 378/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 377/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

Diary No(s). 16177/2020 (XVI) (IA No. 71986/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 23761/2020 (XVI)
(IA No. 111594/2020 - CLARIFICATION/DIRECTION and IA No. 111597/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 25626/2020 (XVI) (IA No. 121000/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 7955/2022 (XVI) (IA No. 38008/2022 - EXEMPTION FROM FILING O.T.)

Diary No(s). 8440/2022 (XVI)

CONMT.PET.(C) No. 115/2019 in C.A. No. 2703/2017 (XVI) (IA No. 52966/2019 - APPLICATION FOR PERMISSION and IA No. 41228/2020 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 376/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 735/2019 in C.A. No. 2703/2017 (XVI) (MR. GOPAL PRASAD, ADVOCATE FOR STATE OF JHARKHAND) (IA No. 34081/2019 - APPLICATION FOR PERMISSION and IA No. 56123/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 56602/2020 - CLARIFICATION/DIRECTION and IA No. 56606/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 34084/2019 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 465/2019 in C.A. No. 2703/2017 (XVI) (IA No. 50371/2019 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 480/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

Diary No(s). 20329/2020 (XVI) (IA No. 94627/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No.

6756/2022 - MODIFICATION OF COURT ORDER)

CONMT.PET.(C) No. 741/2020 in C.A. No. 2703/2017 (XVI) (IA No. 94684/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 20963/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 120392/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 20961/2021 - EXEMPTION FROM FILING O.T. and IA No. 120391/2020 - EXEMPTION FROM FILING O.T. and IA No. 120390/2020 - INITIATING CONTEMPT PROCEEDINGS and IA No. 20960/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 25623/2020 (XVI) (IA No. 120988/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 1408/2021 (XVI) (IA No. 7626/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 7625/2021 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 449/2021 in CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017 (XVI) (IA No. 85646/2021 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 459/2021 in CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017 (XVI) (IA No. 88186/2021 - EXEMPTION FROM FILING O.T.)

Diary No(s). 17061/2021 (XVI) (IA No. 88379/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 88375/2021 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 358/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

MA 657/2019 in CONMT.PET.(C) No. 832/2018 in C.A.No.2703/2017 (XVI) (IA No. 52358/2019 - APPLICATION FOR PERMISSION and IA No. 104641/2022 - APPLICATION FOR PERMISSION and IA No. 104635/2022 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 52368/2019 - CLARIFICATION/DIRECTION and IA No. 104637/2022 - EXEMPTION FROM FILING O.T. and IA No. 52369/2019 - EXEMPTION FROM FILING O.T. and IA No. 104642/2022 - INTERVENTION/IMPLEADMENT)

MA 1182/2019 in CONMT.PET.(C)No.105/2019 in C.A.No.2703/2017 (XVI) (IA No. 56025/2019 - MODIFICATION OF COURT ORDER and IA No. 96954/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

CONMT.PET.(C) No. 636/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 1191-1192/2019 in C.A. No. 2788-2789/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 689/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION (MR. GOPAL PRASAD, ADVOCATE FOR STATE OF JHARKHAND)

CONMT.PET.(C) No. 738/2019 in C.A. No. 2703/2017 (XVI) (IA No. 95226/2019 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 1082/2019 in C.A. No. 2703/2017 (XVI) (IA No. 157277/2019 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 675/2020 in C.A. No. 2703/2017 (XVI) (IA No. 79511/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 1370/2021 (XVI)
(IA No. 7482/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Diary No(s). 1382/2021 (XVI) (IA No. 7518/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 22356/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 22354/2021 - EXEMPTION FROM FILING O.T. and IA No. 22353/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 14/2022 in C.A. No. 2703/2017 (XVI) (IA No. 5996/2022 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 466/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

CONMT.PET.(C) No. 695-701/2019 in CONMT.PET.(C) No. 927-933/2018 in C.A. No. 2760-2766/2017 (XVI) (IA No. 86712/2019 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 684/2019 in C.A. No. 2703/2017 (XVI) (IA No. 90859/2019 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 962/2019 in C.A. No. 2703/2017 (XVI) (FOR ADMISSION)

Date: 29-08-2024 These matters were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE J.K. MAHESHWARI HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s)

Mr. Saket Singh, Sr. Adv.

Mr. Harsh, Adv.

Mr. Manish Kumar Saran, AOR

- Ms. Manjula Gupta, AOR (Not present)
- Mr. Neeraj Shekhar, AOR
- Mr. (Dr.) Sumit Kumar, Adv.
- Mr. Ashutosh Thakur, Adv.
- Mr. Ajit Kumar Sinha, Sr. Adv.
- Mr. Ashwarya Sinha, AOR
- Mr. Prashant Bhushan, AOR
- Ms. Ria Yadav, Adv.
- Ms. Alice Raj, Adv.
- Mr. Mithilesh Kumar Singh, AOR (Not present)
- Mr. Anil Kumar Jha, AOR
- Mr. Kanhaiya Priyadarshi, AOR
- Mr. Aldanish Rein, AOR (Not present)
- Mr. Joby P. Varghese, AOR (Not present)
- Mr. Chandan Kumar, AOR (Not present)
- Mr. Sumit Kumar, AOR (Not present)
- Mr. Smarhar Singh, AOR (Not present)
- Mr. Chandra Bhushan Prasad, AOR (Not present)
- Mrs. Revathy Raghavan, AOR (Not present)

For Respondent(s)

- Mr. Rajesh Prasad Singh, AOR (Not present)
- Ms. Tulika Mukherjee, AOR (Not present)
- Ms. Rebecca Mishra, Adv.
- Mr. Azmat Hayat Amanullah, AOR (Not present)
- Mr. Narendra Hooda, Sr. Adv.
- Mr. Samir Ali Khan, AOR
- Mr. Pranjal Sharma, Adv.
- Mr. Kashif Irshad Khan, Adv.
- Mr. Santosh Kumar I, AOR (Not present)
- Mr. Gopal Prasad, AOR (Not present)

Mr. Atul Kumar, AOR

Mr. Sudipto Singha Roy, Adv.

Mr. Harsh Kumar, Adv.

Mr. S. Wasim A. Qadri, Sr. Adv.

Ms. Udita Singh, AOR (Not present)

Mr. Sanjeev Kumar, AOR (Not present)

Ms. Madhusmita Bora, AOR (Not present)

Mr. Samant Singh, Adv.

Ms. Pushpanjali Singh, Adv.

Mr. Rajeev Singh, AOR (Not present)

Mr. Mukesh Kumar Maroria, AOR (Not present)

Mr. Shekhar Kumar, AOR (Not present)

Ms. Pragya Baghel, Adv.

Ms. Pallavi Langar, AOR

Mr. Sujeet Chaubey, Adv.

Mr. Arvind Kumar Sharma, AOR (Not present)

Mr. Neeraj Shekhar, AOR

Mr. (Dr.) Sumit Kumar, Adv.

Mr. Ashutosh Thakur, Adv.

Mr. Saket Singh, Sr. Adv.

Mr. Manish Kumar Saran, AOR

Mr. Bijay Kumar Sinha, Adv.

Ms. Ananya Tyagi, Adv.

Mr. Harsh, Adv.

Mr. Aditya Mani Saran, Adv.

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

CONMT.PET.(C) No. 2199/2018 in C.A. No. 2703/2017

During the course of hearing, on being asked as to who is appearing for the Vice Chancellor and the Registrar of the Nilamber and Pitamber University, i.e., respondent nos. 4 and

- 5, it is informed by Mr. Samant Singh, Advocate, that Mr.Rajeev Singh, Advocate on Record, is representing them. He made a request to accommodate him because he is out of town and not available.
- 2) This batch of contempt petitions is part-heard from previous date and hearing is continuing since yesterday (28.08.2024). We asked the Court Master to find out as to whether Mr. Rajeev Singh is connected to Court proceedings through video conferencing or not. On checking, it reveals that Mr. Rajeev Singh is not connected online, however, his name was submitted through online portal to mark his presence in the proceedings.
- In our view, without his presence in Court in person or appearance through VC, submission of online appearance is completely unfair, especially when he is not in Court and not even in town. On further query, it is informed that there are more counsels representing the parties, who are neither

present physically before this Court nor joined through video conferencing.

We have perused circular of the Supreme Court Registry 4) dated 30th December, 2022 by which a portal for online appearance was activated w.e.f. 02.01.2023. In terms of the said circular, the Advocates-on-Record are permitted to mark appearances of the "advocates appearing in court." Meaning thereby, such instruction casts onerous responsibility on the Advocates-on-Record to furnish information of the advocate appearing online or physically in the case. Apparently, it would mean that the advocate who is either present in the case or assisting them in the Court, the presence of only those is to be marked. It would not mean that the advocate, who is neither present personally nor online, may be allowed to mark his presence by furnishing online information. We cannot loose sight of the fact that furnishing such information may have bearing on the sanctity of the Court proceedings in the case.

- We may hasten to observe that on the basis of the 5) presence of the counsel in the proceedings, the advocates may be entitled to get certain benefits such as allotment of chamber, designation of senior advocates and other. In the long run, if the advocates, who are not present in the Court are permitted to mark their presence, it may have adverse impact on those Bar members who are appearing regularly. Therefore, for sanctity of the proceedings and for betterment of the Institution, online information ought to be submitted of only those advocates who are either appearing or assisting during hearing, personally or online.
- 6) In view of aforesaid, we forthwith direct that in this Court, online presence of only those advocates be furnished and be marked who are appearing or assisting during hearing as indicated above and not of those who are not present in Court but may be associated in office of the advocates.
- 7) As observed, we request the members of the Supreme

Court Bar Association and Supreme Court Advocates on Record Association to furnish online presence only of those advocates as indicated, and ensure its compliance in true sense and spirit. We also request the Presidents of respective Bar Associations of the Supreme Court to look into the issue and notify the members for taking corrective steps.

- 8) A copy of this order be sent to the President of the Supreme Court Bar Association and of Supreme Court Advocates on Record Association for information and acknowledgment.
- 9) Heard.
- 10) Reserved for orders.

CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017, CONMT.PET. (C) No. 103-104/2019 in C.A. No. 2788-2789/2017, CONMT.PET.(C) No. 379-380/2019 in C.A. No. 2788-2789/2017, CONMT.PET.(C) No. 373/2019 in C.A. No. 2703/2017, Diary No(s). 11254/2023, Diary No(s). 42531/2018, CONMT.PET.(C) No. 359/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 372/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 378/2019 in C.A. No. 2703/2017, CONMT.PET.

(C) No. 377/2019 in C.A. No. 2703/2017, Diary No(s). 16177/2020, Diary No(s). 23761/2020, Diary No(s). 25626/2020, Diary No(s). 7955/2022, Diary No(s). 8440/2022, CONMT.PET.(C) No. 115/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 376/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 735/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 465/2019 in C.A. No. 2703/2017, CONMT.PET. (C) No. 480/2019 in C.A. No. 2703/2017, Diary No(s). 20329/2020, CONMT.PET.(C) No. 741/2020 in C.A. No. 2703/2017, Diary No(s). 25623/2020, Diary No(s). 1408/2021, CONMT.PET.(C) No. 449/2021 in CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017, CONMT.PET.(C) No. 459/2021 in CONMT.PET.(C) No. 1188/2018 in C.A. No. 2703/2017, Diary No(s). 17061/2021, CONMT.PET.(C) No. 358/2019 in C.A. No. 2703/2017, MA 657/2019 in CONMT.PET.(C) No. 832/2018 in C.A.No.2703/2017, MA 1182/2019 in CONMT.PET. (C)No.105/2019 in C.A.No.2703/2017, CONMT.PET.(C) No. 636/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 1191-1192/2019 in C.A. No. 2788-2789/2017, CONMT.PET.(C) No. 689/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 738/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 1082/2019 in C.A. No. 2703/2017, CONMT.PET. (C) No. 675/2020 in C.A. No. 2703/2017, Diary No(s). 1370/2021, Diary No(s). 1382/2021, CONMT.PET.(C) No. 14/2022 in C.A. No. 2703/2017, CONMT.PET.(C) No. 466/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 695-701/2019 in CONMT.PET.(C) No. 927-933/2018 in C.A. No. 2760-2766/2017, CONMT.PET.(C) No. 684/2019 in C.A. No. 2703/2017, CONMT.PET.(C) No. 962/2019 in C.A. No. 2703/2017

- 1) Hearing in these matters shall continue on 04th September, 2024, to be taken up as Item No. 101. The cases be treated as part-heard.
- 2) Parties are at liberty to file the documents referred in the absorption orders, if they deem fit. On such filing, the same be accepted by the Registry.

(NIDHI AHUJA) AR-cum-PS (ANU BHALLA)
COURT MASTER (NSH)