

Case :- WRIT - C No. - 12610 of 2025

Petitioner :- Smt. Jubeda Begum And Another

Respondent :- U.P. State Road Transport And Another

Counsel for Petitioner :- Yogesh Kumar Vaish

Counsel for Respondent :- Sheo Ram Singh, Sunil Kumar Misra

Hon'ble Ajay Bhanot, J.

The writ petition has arisen on account of a prima facie disobedience of directions of this Court. Upon enquiry, the respondent Corporation found that the situation came to a pass on account of professional negligence or incompetence of the concerned counsels at the Labour Court. Appropriate action in this regard has been initiated by the corporation.

Appointment of meritorious counsels by a fair and transparent procedure is central to good governance of a government corporation and is consistent with the mandate of constitutional law. Hitherto, an entitlement culture has taken root in appointments of counsels for State corporations where only scions of influential families are given opportunities to represent State corporations. This observation does not take away the competence of any counsel, appointed by the Corporation but highlights the decay in the system where these offices are appropriated by those who can peddle influence in the corridors of power. The matter is not res integra. The

Supreme Court in **Kumari Shrilekha Vidyarthi v. State of U.P.** reported at **1991(1) SCC 212** enjoined the State to adopt a transparent and fair procedure while appointing State counsels. The said mandate applies in equal measure to various government corporations including the UPSRTC.

The profession of law does not lend itself to success very easily. Years of industry and ceaseless devotion to legal scholarship are behind the success of the lawyers. Very often first generation younger lawyers do not get opportunity to represent the State corporations. A good number of such first generation lawyers are very competent, possess unimpeachable integrity and are industrious by disposition. Counsels of the aforesaid class rarely get a look in when appointments of State counsels or counsels for the Corporations are made as they are not able to curry any influence with powers that be. Modes of appointment of counsels which accord weight to accidents of inheritance and neglect achievements of merit cannot be countenanced in State Corporations.

This culture of appointments has also degraded the professional representation of the Corporations. In many cases this Court has found that the counsels for the Corporations who are appointed through the spoils system receive the notices and do not appear in Courts. They simply sub delegate the files entrusted to them. This facet

of the functioning of the counsels of Corporations was looked askance by this Court in **Gaurav Jain v. State of U.P. and Another (Writ C No. 10440 of 2021)** when it was observed:

"As far as the appointment of counsels to various corporations, development authorities and universities are concerned, it is being noticed by this Court that counsels so appointed are not turning up in the Court and are sending their junior colleagues or friends.

Let this order be placed before the Chief Secretary, Govt. of U.P., Lucknow who shall issue necessary instructions to all the departments of the State in regard to the appointment of counsels representing them before this Court not to sub-delegate the file entrusted to them."

In the currently existing system, young first generation counsels who are not well connected politically or do not belong to influential families are invariably overlooked in appointment as counsels for the State or the State run Corporations despite their competence and scholarship. The failure of the State instrumentalities to discern merit in such class of counsels, can be disheartening to young first generation lawyers who are neither connected politically nor belong to families which are positioned high up in the power pyramid. Such an environment prevents members of the Bar from developing and contributing to the rule of law. The unjust nature of the system has serious adverse consequences on governance by law. The justice delivery system becomes weak and unable to serve justice to the common citizens due to

systemic deficiencies.

The responsibility of all State authorities is to uphold the rule of law and fairness. Selections of counsels can only be done by independent and dispassionate observance of court proceedings by officials of the Corporation who are regularly present incognito in Court. The procedure thereafter demands a rigorous system of checks and balances into the professional competence and integrity of counsels. This may also require a formal interface with the authorities concerned. However, selection methods are matter of details which the authorities can evolve based on the institutional experience as well.

Shri Masoom Ali Sarvar, Managing Director, UPSRTC is present in Court.

The Managing Director, UPSRTC has assured the Court that all endeavors shall be made by the Corporation to ensure that the best talent from the Bar is given a look in while making such appointments.

A system which adopts transparent procedures, promotes merit and gives a fair look in to young first generation lawyers while appointing counsels to represent UPSRTC in Courts has to be devised by the Corporation.

For this purpose the meeting of the Board of UPSRTC shall be held prior to the next date of listing and the scheme shall be finalized to be presented before the Court

on the next date of listing.

Shri Yogesh Kumar Vaish, learned counsel for the petitioners prays for and is granted time to file amendment application.

The Managing Director, UPSRTC to file an affidavit on the next of listing.

The counter affidavit shall also be filed before the next date of listing.

Put up this matter on 22.09.2025 in the list of fresh cases.

Order Date :- 4.8.2025

Vandit