

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P. (PIL) No. 2894 of 2021**

Advocates' Association through its Treasurer,

Dheeraj Kumar ... .. Petitioner

Versus

The State of Jharkhand through the

Chief Secretary and Another ... .. Respondents

With

**Cont. Case (Civil) No 283 of 2020, W.P. (PIL) No. 1252 of 2020, W.P. (C) No. 3654 of 2020, W.P. (C) No. 3687 of 2020, W.P. (C) No. 128 of 2021, W.P. (PIL) No. 2797 of 2021, W.P. (PIL) No. 3018 of 2021, W.P. (PIL) No. 5126 of 2021, W.P. (PIL) No. 460 of 2022.**

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**CORAM: SRI SANJAYA KUMAR MISHRA, C.J.  
SRI ANANDA SEN, J.**

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For the Petitioner(s): M/s. Navin Kumar, Ritu Kumar, Abhay Kumar Mishra, Anup Kumar Agrawal, Indrajit Sinha, Yashvardhan, Kirtivardhan, Ritesh Singh, Vishnu Prabhakar Pathak, Aditya Aman, Rishika Kaushik, Ritesh Kumar Gupta, Ritesh Kumar, Shailesh Poddar, Advocates

M/s R.N. Sahay & Rajeeva Sharma (Sr. Advocates)

Mr. Dhananjay Kumar Jha, (party in person)

For the Respondents: M/s Piyush Chitresh (A.C. to A.G.), Sreenu Garapati, S.C.-III, Vandana Singh, Sr. S.C.-III, Neha Pandey, A.C. to Sr. S.C.-III, Manish Kumar (Sr. S.C.-II), Amit Mishra, (A.C. to Sr. S.C.-II), Mohammad Asghar, Anil Kumar, Dr. Ashok Kumar Singh, Shivam Singh, Prabhat Kumar, Advocates

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**10/Dated: 11.05.2023**

Let the affidavit filed by the Secretary of the Jharkhand Legislative Assembly be served on the learned counsel for all the petitioners in this bunch of the cases during the course of the day.

The learned counsel appearing for the parties shall address the Court on the next date of listing on the following two seminal questions:-

- I. Whether the Speaker has any justification in withholding the recognition of a member of the legislative assembly, who has been recommended by the single largest opposition

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party as its leader only on the ground that certain allegations are pending against him for enquiry before him, for violation of provisions of the 10<sup>th</sup> Schedule of the Constitution of India?

II. Whether a mandamus can be issued or any other direction can be issued by the High Court in exercise of jurisdiction under Article 226 of the Constitution of India to recognize a particular person, who has been recommended by the single largest opposition party to be its leader?

List these cases on 16<sup>th</sup> May, 2023.

The personal appearance of Mr. Syed Jawed Haider, Secretary, In-charge, Jharkhand State Legislative Assembly is dispensed with for the time being.

**(Sanjaya Kumar Mishra, C.J.)**

**(Ananda Sen, J.)**