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Regular

2021:JKLHC-SGR:8555

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1418/2020

CM(1201/2022) CM(3873/2020) CM(4284/2025).

SHAFAT SULTAN.

...Petitioner(s)

Through: Mr. M. Y. Bhat, Senior Advocate with
Mr. Sajid Ahmad Bhat, Advocate.

VERSUS

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Waseem Gul, GA.
Mr. Mir Suhail, Advocate for R3.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER

05.02.2026

01. Heard in continuation Mr. M. Y. Bhat, learned Senior Advocate assisted by Mr. Sajid Ahmad Bhat, learned Advocate at length, in the light of the affidavit submitted by the Commissioner Secretary to Government, Science and Technology Department and the reply thereto filed by the petitioner.

02. Today Mr. Waseem Gul, learned Government Advocate comes forth with an intervention to apprise this Court that though on the last date of hearing, the hearing of the case had taken place in the presence of Mr. Bikram Deep Singh, learned Deputy Advocate General, who was representing the case on behalf of the respondent Nos. 1 and 2, but today he i.e., Mr. Waseem Gul, learned Government Advocate to argue in the case and comes up with a brief apprising this Court about



communication **No. LAW-Jud/153/2021-10** dated **04.02.2026** delivered to him today morning in terms whereof, the Assistant Legal Remembrancer is requesting Mr. Waseem Gul, learned Government Advocate to conduct the case.

03. Though this Court is not meant to know as to through whom the Government gets its case conducted before this Court but when it comes to a case which has been part-heard in the presence of a Government counsel representing the Government, a midway change of counsel by the Government has the effect of derailing the hearing of the case, as has happened in the present case, when Mr. Waseem Gul, learned Government Advocate, very rightly asked for accommodation from this Court to enable him to get himself apprised of the brief.

04. A perusal of the communication so produced by Mr. Waseem Gul, learned Government Advocate would show that the Assistant Legal Remembrancer states that he has been directed to request Mr. Waseem Gul, learned Government Advocate to conduct the case without divulging as to on whose direction the Assistant Legal Remembrancer has come intervening.

05. Therefore, this Court is constrained to direct the appearance of Mr. Binny Kumar, Assistant Legal Remembrancer to apprise this Court as to whether the direction unto him for requesting Mr. Waseem Gul, learned Government Advocate to conduct the



case is from the end of the Commissioner Secretary, Law, Justice and Parliamentary Affairs and if so, then to apprise this Court about the communication so addressed, or whether it is an oral direction.

06. The communication referred above is surely undermining the hierarchy of the Government Counsel, as by relieving a Deputy Advocate General, the Assistant Legal Remembrancer has assigned the case to a Government Advocate, which should have been otherwise, that a Government Advocate is being relieved from an ongoing case for the purpose of being assigned to a Deputy Advocate General or for that matter an Additional Advocate General.

07. Let Mr. Binny Kumar, Assistant Legal Remembrancer, remain present, be it in person or through virtual mode.

08. List on **12th February, 2026**, as **Case No. 1** in the Regular Cause List.

(RAHUL BHARTI)
JUDGE

SRINAGAR
05.02.2026
Bisma Jan.