

Court No. - 43

Case :- WRIT - A No. - 1882 of 2020

Petitioner :- C/M Shri Mahadev Singh Chandraul Purv
Madhyamic Vidyalaya, Chitrakoot

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shailendra Srivastava, Shailendra (Sr.
Advocate)

Counsel for Respondent :- C.S.C., Rajesh Khare

Hon'ble Vivek Agarwal, J.

1. Heard Sri Shailendra Srivastava, learned counsel for the petitioner and Sri Shailendra Singh, learned Standing Counsel for the State.
2. Sri Shailendra Singh informs that Advocate General is not available today and prays for adjournment.
3. At this stage, when matter is taken up in the revised list, Sri Vipin Bihari Pandey submits that Court is required to wait for Sri Neeraj Tripathi, learned Additional Advocate General. He further submits that he is coming.
4. It is beyond comprehension that when the matter is taken up in the revised list, counsel representing the State is not available and a strange request that Court should wait for him has been put forth which in effect amounts to lowering the dignity of the Court.
5. At this stage, Sri Neeraj Tiwari, learned Senior Advocate and Additional Advocate General for the State of U.P. appears and prays for time on the ground that he has instructions from his Advocate General that he shall appear and argue this matter in person. Advocate General is not available today.
6. As per the order dated 12.10.2020, Sri Neeraj Tripathi had sought time, on the ground that learned Advocate General is currently busy in another matter in Lucknow Bench of this Court and accordingly, case was adjourned. Today he is not in a position to state as to which matter, learned Advocate General is busy. He is not in a position to justify absence of learned Advocate General.
7. High Court vide order dated 12.10.2020, while granting adjournment fixed the case for 19.10.2020 and had made it clear that no further adjournment will be granted in the matter. Therefore, there is no cogent reason for the Advocate General

to not to appear today.

8. This Court proposes to impose cost on the respondents, but on second thought I am of the opinion that for non-cooperation on the part of the learned Advocate General, cost should not be imposed on the respondents.

9. Thus, instead of imposing heavy cost, it is directed that respondent no. 1 shall ensure availability of the learned Advocate General or any other suitable and competent counsel to argue the matter on the next date.

10 List this case on **04.11.2020**, with clear stipulation that for whatever reason, case will not be adjourned due to absence of learned Advocate General and if it is not convenient to the Advocate General, to come to Allahabad, then matter shall be argued by one of the learned Standing Counsel available in the Court.

Order Date :- 19.10.2020

Vikram/-