

News

Influential people are hired as state company attorneys, but first-generation attorneys are disregarded: High Court of Allahabad



According to the Court, the Corporations' professional representation has suffered as a result of this appointment culture.

Attorneys

In a recent ruling in **Smt. Jubeda Begum and Others vs. UP State Road Transport and Others**, the **Allahabad High Court** noted that a "entitlement culture" has taken hold in the selection of attorneys for State corporations, where only "scions of influential families" are granted the chance to serve on their panels.

added that even if first-generation attorneys are capable, diligent, and have unwavering integrity, they frequently do not have the chance to represent State corporations.

Due to their inability to exert any influence on those in positions of authority, counsel from the aforementioned class rarely has a say in who is appointed as State counsel or counsel for corporations. *"State Corporations cannot tolerate methods of hiring attorneys that prioritize inheritance accidents and disregard merit-based accomplishments,"* the Court noted.

It further stated that despite their skill and education, young, first-generation attorneys who lack political connections or come from powerful families "are invariably overlooked" when it comes to being appointed as counsel for the State or state-run businesses under the current system.

For young, first-generation attorneys who are not politically connected or from families with significant positions of power, the State's inability to recognize value in this type of counsel can be discouraging. Members of the Bar are unable to grow and advance the rule of law in such an atmosphere," the Court stated.

When it comes to the selection of attorneys for State corporations, an entitlement mentality has taken hold, with only the offspring of powerful families being granted the chance to represent State corporations.

High Court of Allahabad

The family of a former Uttar Pradesh State Road Transport Corporation (UPSTRC) driver filed a lawsuit with the court. An ex-parte award that favored the family of the deceased driver was previously overturned by the High Court, and the case was remanded to the labor court.

However, in an application, the UPSRTC incorrectly told the labor court that the dispute was resolved because its petition against the award had been granted. Consequently, the family members' proceedings were closed by the labor court.

In April of this year, the High Court took a serious look at the case after hearing a petition filed by the family members. Justice Bhanot stated in an August 4 judgment that the labor court's attorneys' professional carelessness was the cause of the entire incident.

The solitary judge then noted that the appointment of qualified attorneys through an equitable and open process is essential to a government corporation's effective governance and aligns

with constitutional law's requirement.

The Court claimed that there was a breakdown in the system when powerful attorneys were appointed to the panel of corporations, allowing those with the ability to "peddle influences in the corridors of power" to take over the positions.

It further stated that the professional representation of businesses has been weakened by this appointment culture, and that the Court frequently discovers that the attorneys "appointed through the spoils system" get notices but fail to show up for court. According to the Court, they merely assign the files that have been entrusted to them.

Regarding the repercussions of failing to include first-generation attorneys, the Court stated,

"The system's unfairness has major negative effects on legal governance. Systemic flaws make the justice delivery system feeble and unable to provide the general public with justice.

Upholding the rule of law and fairness is the duty of all State authorities, the Court emphasized, adding that the only way to choose counsel is for Corporation officials who are frequently "present incognito" in court to "observe court proceedings in an independent and dispassionate manner."

A strict system of checks and balances on the professional competence and integrity of counsel is therefore required by the procedure. A formal engagement with the relevant authorities might also be necessary for this. Selection procedures, however, are specifics that the authorities can change depending on institutional experience as well," it continued.

In the current instance, UPSRTC's Managing Director promised the Court that the Corporation will make every effort to make sure the greatest bar talent was considered when making these appointments.

The Court emphasized that the Corporation must create a structure that uses open procedures, encourages merit, and fairly considers young, first-generation attorneys when selecting attorneys to represent UPSRTC in court.

As a result, it ordered that the UPSRTC Board meet and finalize a plan to address the concerns brought forth, which would then be presented to the Court on September 22, the next hearing date.

The petitioners were represented by attorney Yogesh Kumar Vaish.

The respondents were represented by attorneys Sunil Kumar Misra and Sheo Ram Singh.