

REVISED

ITEM NO.5

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 943/2021

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 210225/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 192188/2023 - INTERVENTION APPLICATION, IA No. 171810/2022 - INTERVENTION APPLICATION and IA No. 210218/2023 - INTERVENTION/IMPLEADMENT)

WITH

W.P.(C) No. 788/2020 (PIL-W)

(IA No. 50785/2020 - INTERVENTION/IMPLEADMENT, IA No. 48329/2020 - INTERVENTION/IMPLEADMENT and IA No. 72236/2020 - STAY APPLICATION)

W.P.(C) No. 789/2020 (PIL-W)

(IA No. 50786/2020 - INTERVENTION/IMPLEADMENT, IA No. 48338/2020 - INTERVENTION/IMPLEADMENT and IA No. 72228/2020 - STAY APPLICATION)

W.P.(C) No. 477/2020 (PIL-W)

(IA No. 48986/2020 - EX-PARTE STAY, IA No. 48987/2020 - EXEMPTION FROM FILING O.T. and IA No. 51005/2020 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 956/2020 (PIL-W)

(IA No. 91135/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 93533/2020 - CLARIFICATION/DIRECTION, IA No. 96666/2020 - EARLY HEARING APPLICATION, IA No. 91171/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 91136/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 105261/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 94614/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 91134/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 94600/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 94685/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 98416/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 90944/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 93535/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 94668/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 92913/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 92885/2020 - INITIATING CONTEMPT PROCEEDINGS, IA No. 94633/2020 - INTERVENTION APPLICATION, IA No. 95678/2020 - INTERVENTION APPLICATION, IA No. 108087/2020 - INTERVENTION APPLICATION, IA No. 95675/2020 - INTERVENTION APPLICATION, IA No. 95066/2020 - INTERVENTION APPLICATION, IA No. 96664/2020 - INTERVENTION APPLICATION, IA No. 94643/2020 - INTERVENTION

APPLICATION, IA No. 96369/2020 - INTERVENTION APPLICATION, IA No. 94621/2020 - INTERVENTION/IMPLEADMENT, IA No. 94683/2020 - INTERVENTION/IMPLEADMENT, IA No. 98414/2020 - INTERVENTION/IMPLEADMENT, IA No. 94667/2020 - INTERVENTION/IMPLEADMENT and IA No. 105260/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 6913/2021 (XII-A)

(FOR ADMISSION and I.R. and IA No.61254/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61346/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.61255/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.61345/2021-INTERVENTION/IMPLEADMENT and IA No.61253/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(CrI.) No. 391/2021 (X)

(FOR ADMISSION and IA No.118374/2021-EX-PARTE AD-INTERIM RELIEF and IA No.118376/2021-EXEMPTION FROM FILING O.T. and IA No.118377/2021-EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 1265/2021 (X)

(FOR ADMISSION and IA No.150287/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 24/2022 (PIL-W)

(IA No. 30382/2023 - INTERVENTION APPLICATION)

W.P.(C) No. 80/2022 (PIL-W)

(FOR ADMISSION and IA No.17397/2022-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 940/2022 (PIL-W)

(IA No. 84999/2023 - APPLICATION FOR PERMISSION, IA No. 60674/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 86057/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 155570/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 35185/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 23156/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 149401/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 6915/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 176938/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 73252/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 99986/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 72312/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 72231/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 72195/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 90302/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 153093/2023 - CLARIFICATION/DIRECTION, IA No. 91152/2023 - CLARIFICATION/DIRECTION, IA No. 84989/2023 - EXEMPTION FROM FILING O.T., IA No. 77799/2023 - EXEMPTION FROM FILING O.T., IA No. 101702/2023 - EXEMPTION FROM FILING O.T. and IA No. 90303/2023 - INTERVENTION/IMPLEADMENT)

SLP(CrI) No. 5107/2023 (II-C)

CONMT.PET.(C) No. 1111/2023 in W.P.(C) No. 940/2022 (PIL-W)

CONMT.PET.(C) No. 776/2023 in W.P.(C) No. 940/2022 (PIL-W)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 63957/2023)

Diary No(s). 11853/2023 (PIL-W)

W.P.(C) No. 515/2023 (PIL-W)

(FOR ADMISSION and IA No.88202/2023-EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 1153/2023 in W.P.(C) No. 943/2021 (PIL-W)

(FOR ADMISSION)

CONMT.PET.(C) No. 1235/2023 in W.P.(C) No. 940/2022 (PIL-W)

(FOR ADMISSION)

Date : 29-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE S.V.N. BHATTI

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Mr. Nasim Anwar, Adv.

Mr. Rashid N Azam, Adv.

Mr. Mohd Jawaid H. Khan, Adv.

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Mr. Satish Solanki, Adv.

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Petitioner-in-person

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Mrs. Pratibha Sinha, Adv.
Mr. Sneh Vardhan, Adv.
Mr. Rakesh Muddgal, Adv.
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Mr. Ritu Raj, Adv.
Mr. Niraj Kumar, Adv.
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Ms. Manju Jetley, AOR

Mr. Sanjay Parikh, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Tara Elizabeth Kurien, Adv.

Mr. Harsh Kaushik, AOR

Mr. Anand Shankar, AOR

Mr. Sunil Fernandes, AOR

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Mr. Balendu Shekhar, Adv.
Ms. Saudamini Sharma, Adv.
Ms. Asees Kaur, Adv.
Ms. Tanisha Samanta, Adv.

Mr. Kaleeswaram Raj, Adv.
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Mr. Alim Anvar, Adv.
Ms. Aparna Menon, Adv.
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Mr. Sameer Abhyankar, AOR
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Ms. Nishi Sangtani, Adv.
Mr. Naman Jain, Adv.
Ms. Zinnea Mehta, Adv.

Mr. Sunil Dalal, Sr. Adv.
Mr. Shoumendu Mukherji, AOR
Mr. Soumava Karmakar, Adv.
Ms. Manisha Saroha, Adv.
Mr. Nikhil Beniwal, Adv.
Ms. Megha Sharma, Adv.
Ms. Akanksha Gupta, Adv.
Mr. Satya Ranjan Swain, Adv.
Mr. Sahaj Garg, Adv.
Mr. Deepanshu Badiwal, Adv.
Mr. Chetanya Puri, Adv.

Mr. Nishant Kumar , AOR

Mr. Pratik R. Bombarde, AOR
Mr. Reepak Kansal, Adv.
Mr. Dharama Datta Verma, Adv.

Ms. Rebecca John, Sr. Adv.
Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Sugandh Rathor, Adv.

Mr. Kirti Uppal, Sr. Adv.
Mr. Piyush Beriwal, AOR
Mr. Aman Jha, Adv.

Mr. Amit Tiwari, Adv.
Mr. Rishi Tutu, Adv.
Ms. Priyanka Garg, Adv.
Ms. Priya Mishra, Adv.
Mr. Rudra Paliwal, Adv.
Mr. Shrey Sehrawat, Adv.
Mr. Kushagra Kumar Kansal, Adv.
Mr. Chandan Sinha, Adv.

Mr. Shovan Mishra, AOR
Ms. Bipasa Tripathy, Adv.

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Ms. Radhika Chaturvedi, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Amit Kumar Chawla, Adv.
Ms. Ritika Raj, Adv.
Mr. Neeraj Singh, Adv.
Mr. Ravish Kumar Goyal, Adv.
Mr. Anil Kumar, Adv./AOR

Mr. Avijit Mani Tripathi, AOR
Ms. Marbiang Khongwir, Adv.
Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Union of India has filed a status report on 20.11.2023, giving the list of 28 States and Union Territories, which had appointed Nodal Officers in compliance of the order dated 17.07.2018 passed by this Court in *Tehseen S. Poonawalla vs. Union of India & Ors.*¹.

During the course of hearing, learned counsel appearing for the State of West Bengal has stated that the Nodal Officer has been

appointed.

Court notice will be issued to the standing/nominated counsel for the States of Gujarat, Kerala, Nagaland and Tamil Nadu to state whether they have appointed Nodal Officers in compliance of the aforesaid order. Affidavit in this regard will be filed by the respective States within four weeks from today. Details and particulars of the Nodal Officers shall be stated.

As there are large number of writ petitions/special leave petitions/contempt petitions/applications pending before this Court, we deem it appropriate to appoint Mr. Vatsal Joshi, Advocate in addition to the two earlier appointed Advocates-on-Record, namely, Mr. Anas Tanwar and Mr. Mrigank Prabhakar, to act as Nodal counsel. They shall prepare a chart indicating the name of the petitioners, respondents and the prayers made in each of the petitions. The said chart will be filed in the Court on or before 19.01.2024.

Learned counsel for the parties are also given liberty to file suggestions, an e-copy of each of which will be made available to the Nodal Counsel. E-copy thereof can be collected from the Nodal Counsel.

It is pointed out that the Home Secretary had called a meeting of the Chief Secretaries of the respective States/Union Territories on 11.10.2023. Minutes/details of the said meeting will be placed on record with an affidavit, before the next date of hearing.

List in the week commencing 05.02.2024.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

ITEM NO.5

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No. 943/2021

ASHWINI KUMAR UPADHYAY

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VERSUS

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SLP(C) No. 6913/2021 (XII-A)

(FOR ADMISSION and I.R. and IA No.61254/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.61346/2021-EXEMPTION FROM
FILING AFFIDAVIT and IA No.61255/2021-EXEMPTION FROM FILING
AFFIDAVIT and IA No.61345/2021-INTERVENTION/IMPLEADMENT and IA
No.61253/2021-PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(CrI.) No. 391/2021 (X)

(FOR ADMISSION and IA No.118374/2021-EX-PARTE AD-INTERIM RELIEF and
IA No.118376/2021-EXEMPTION FROM FILING O.T. and IA No.118377/2021-
EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 1265/2021 (X)

(FOR ADMISSION and IA No.150287/2021-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 24/2022 (PIL-W)

(IA No. 30382/2023 - INTERVENTION APPLICATION)

W.P.(C) No. 80/2022 (PIL-W)

(FOR ADMISSION and IA No.17397/2022-EXEMPTION FROM FILING O.T.)

W.P.(C) No. 940/2022 (PIL-W)

(IA No. 84999/2023 - APPLICATION FOR PERMISSION, IA No. 60674/2023
- APPROPRIATE ORDERS/DIRECTIONS, IA No. 86057/2023 - APPROPRIATE
ORDERS/DIRECTIONS, IA No. 155570/2023 - APPROPRIATE ORDERS/
DIRECTIONS, IA No. 35185/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA
No. 23156/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 149401/2023
- APPROPRIATE ORDERS/DIRECTIONS, IA No. 6915/2023 - APPROPRIATE
ORDERS/DIRECTIONS, IA No. 176938/2022 - APPROPRIATE ORDERS/
DIRECTIONS, IA No. 73252/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA
No. 99986/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 72312/2023 -
APPROPRIATE ORDERS/DIRECTIONS, IA No. 72231/2023 - APPROPRIATE
ORDERS/DIRECTIONS, IA No. 72195/2023 - APPROPRIATE ORDERS/
DIRECTIONS, IA No. 90302/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA
No. 153093/2023 - CLARIFICATION/DIRECTION, IA No. 91152/2023 -
CLARIFICATION/DIRECTION, IA No. 84989/2023 - EXEMPTION FROM FILING
O.T., IA No. 77799/2023 - EXEMPTION FROM FILING O.T., IA No.
101702/2023 - EXEMPTION FROM FILING O.T. and IA No. 90303/2023 -
INTERVENTION/IMPLEADMENT)

SLP(CrI) No. 5107/2023 (II-C)

CONMT.PET.(C) No. 1111/2023 in W.P.(C) No. 940/2022 (PIL-W)

CONMT.PET.(C) No. 776/2023 in W.P.(C) No. 940/2022 (PIL-W)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 63957/2023)

Diary No(s). 11853/2023 (PIL-W)

W.P.(C) No. 515/2023 (PIL-W)

(FOR ADMISSION and IA No.88202/2023-EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 1153/2023 in W.P.(C) No. 943/2021 (PIL-W)

(FOR ADMISSION)

CONMT.PET.(C) No. 1235/2023 in W.P.(C) No. 940/2022 (PIL-W)

(FOR ADMISSION)

Date : 29-11-2023 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE S.V.N. BHATTI

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UPON hearing the counsel the Court made the following
O R D E R

The Union of India has filed a status report on 20.11.2023, giving the list of 28 States and Union Territories, which had appointed Nodal Officers in compliance of the order dated 17.07.2018 passed by this Court in *Tehseen S. Poonawalla vs. Union of India & Ors.*².

During the course of hearing, learned counsel appearing for the State of West Bengal has stated that the Nodal Officer has been appointed.

Court notice will be issued to the standing/nominated counsel for the States of Gujarat, Kerala, Nagaland and Tamil Nadu to state whether they have appointed Nodal Officers in compliance of the aforesaid order. Affidavit in this regard will be filed by the respective States within four weeks from today. Details and particulars of the Nodal Officers shall be stated.

As there are large number of writ petitions/special leave petitions/contempt petitions/applications pending before this Court, we deem it appropriate to appoint Mr. Vatsal Joshi, Advocate in addition to the two earlier appointed Advocates-on-Record, namely, Mr. Anas Tanwar and Mr. Mrigank Prabhakar, to act as Nodal counsel. They shall prepare a chart indicating the name of the petitioners, respondents and the prayers made in each of the petitions. The said chart will be filed in the Court on or before 19.01.2024.

Learned counsel for the parties are also given liberty to file suggestions, an e-copy of each of which will be made available to the Nodal Counsel. E-copy thereof can be collected from the Nodal Counsel.

It is pointed out that the Home Secretary had called a meeting of the Chief Secretaries of the respective States/Union Territories on 11.10.2023. Minutes/details of the said meeting will be placed on record with an affidavit, before the next date of hearing.

List in the week commencing 05.02.2024.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR