

Farewell ovation by Hon'ble Mr. Justice Manindra Mohan Shrivastava, Acting Chief Justice, Rajasthan High Court in honour of Hon'ble Mr. Justice Sandeep Mehta, Administrative Judge on his elevation as Chief Justice of Gauhati High Court on 14/02/2023 through Video Conferencing

1. My esteemed brother Justice Sandeep Mehta, Chief Justice designate, Gauhati High Court
2. My Esteemed Brother & Sister Judges on the Bench at Jodhpur and Jaipur
3. Shri Mahendra Singh Singhvi,
Advocate General, Rajasthan
4. Shri Ghanshyam Singh Rathore,
Chairman, Bar Council of Rajasthan, Jodhpur/Jaipur
5. Shri Ranjeet Joshi,
President, Rajasthan High Court Advocates Association,
Jodhpur
6. Shri Ravi Bhansali,
President, Rajasthan High Court Lawyers Association,
Jodhpur
7. Shri Mahendra Shandilya,
President, Rajasthan High Court Bar Association, Jaipur
8. Shri Kamal Kishore Sharma,
President, The Jaipur Bar Association, Jaipur
9. Learned Senior Advocates,
11. Learned Members of the Bar,
12. Members of Judicial Service and officers of the Registry,
13. Madam Suman Mehta and other dignified family members,
14. Ladies & Gentlemen.

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It is my proud privilege and honour to address today's Full Court proceedings on the occasion of bidding farewell to Hon'ble Mr. Justice Sandeep Mehta, Administrative Judge of Rajasthan High Court, who is leaving us to usher in another phase in his career as the Chief Justice of the Gauhati High Court.

While congratulating brother Justice Mehta for achieving this milestone in his judicial journey and wishing him a glorious tenure as the Chief Justice of Gauhati High Court, I must say that it is not an easy task to bid farewell to a colleague with whom we have spent fruitful moments. He is a renowned legal luminary who needs no introduction, but I take this opportunity to express and highlight his qualities and contributions that he made to the Rajasthan Judiciary.

Brother Justice Mehta was born on 11th January, 1963 in Jodhpur. After completing his graduation in 1983, he obtained the Degree of Law in 1986 and got himself enrolled as an Advocate with the Bar Council of Rajasthan on 08th August, 1986. He practiced in trial Courts, High Court as also the Hon'ble Supreme Court in almost in all branches of law having specialization in Criminal & Constitution matters. He remained Counsel for commission in three Judicial Enquiry Commissions which were headed by sitting as well retired Hon'ble Judges of High Court. He was elected as Member, Bar Council of Rajasthan in the year 2003. He was elected as Vice Chairman of the Bar

Council of Rajasthan in 2004-2005 and then elected as Chairman in 2010, which reflects his popularity amongst the lawyers throughout the State of Rajasthan.

Brother Justice Mehta made an indelible mark in the legal profession, as a result of which he enjoyed an excellent reputation and a prominent place in the Bar as an outstanding lawyer. His merit and qualities were soon acknowledged and he was appointed as Judge of this Court on 30th May, 2011.

As we all know, brother Justice Mehta is a dignified and outstanding Judge, apart from a great human being and a versatile personality. He is known for simplicity, serenity, legal acumen, monumental patience and quick disposal of cases. He always displayed his tireless quest for imparting complete and real justice. As Judge of this Court, he always displayed unflinching punctuality, deep commitment and absolute devotion to duties. He is cognizant of the social realities and endowed with great wisdom in the application of law both in letter and spirit. He always remained firm in his beliefs and true to the oath of his office. To my mind, he is a man with utmost humility and extraordinary abilities. He has displayed robust common sense and practical in his approach.

Brother Justice Mehta's maternal grandfather late Shri Makhtoor Mal Singhvi was a renowned legal luminary under whose inspiration, guidance and encouragement he learnt the

skill and art of advocacy. He remained the Chairman of the Rajasthan High Court Legal Services Committee, Jodhpur during the period from 01st December, 2018 to 22nd November, 2021 and was having keen interest in the establishment of ADR centres and conducting literacy camps, *Lok Adalats* etc. showing deep concern to fulfill the goal of ensuring 'Access to Justice' and providing cheap, speedy and qualitative justice to all, especially poor, needy, downtrodden and weaker sections of the society. He has always been kind and generous to the young members of the Bar and encouraged them to improve and develop their skills. He never allowed any indiscipline and maintained high decorum and traditions in Court.

Brother Justice Mehta is presently the Chairman of the Rajasthan State Judicial Academy and undoubtedly under his aegis and guidance, the Judicial Academy has performed exceptionally well and is marching ahead towards its obligation of judicial excellence.

On administrative side, Justice Mehta remained Chairman and member of various committees. I often noticed that he was quick to grasp the subject matter which was before us to deal with it in equally fast and suitable manner. He was restless striver eager to ensure and fulfill the task he was assigned. His advise and suggestions were concrete and were of a great help for us in resolving the complex issues in an easy way.

It is said that a Judge is known by his judgments. Powered by his experience as a highly successful lawyer of 25 years standing and around 12 years as a Judge of this Court, Justice Mehta has delivered umpteen number of landmarks judgments covering all spheres of law which reflect his high legal acumen, wisdom, judiciousness, indepth knowledge of law and sense of doing justice strictly adhering to the well accepted principles of law and conscience. The Law Journals are replete with hundreds of judgments and occupy a prominent place in the library of lawyers. They are source of guidance and knowledge for all, especially the legal practitioners. Time constraint allows me to refer to a few of them.

Dealing with reference in the matter of confirmation of death sentence in the case of **State Vs. Surendra Kumar @ Mandia**, it was held that prosecution has to stand on his own legs and the weakness of evidence can never be considered to be a ground to record an adverse finding against the accused in a case based totally on circumstantial evidence. The prosecution must prove its case by leading unimpeachable evidence which is consistent with the guilt of the accused and inconsistent with his innocence, then only would the defence be required to rebut the case of the prosecution.

In the case of **Kayum & Ors. Vs. State of Rajasthan**, it was held, interpreting various provisions contained in the

Narcotics Drugs and Psychotropic Substances Act, 1985 and particularly the scope and ambit of Section 37 of the NDPS Act, that recording a satisfaction in terms of parameters mentioned in Section 37 of the NDPS Act is mandatory before grant of bail to an accused arrested in connection with the commercial quantity of narcotic drugs or psychotropic substances.

While dealing with an important issue of protection of wildlife, in the case of **Tal Chappar Sanctuary Vs. The Principal Secretary, Govt. of Rajasthan & Ors.**, series of directions were issued imposing complete prohibition on any endeavour to reduce the area of the Tal Chappar Wildlife Sanctuary as also other ancillary directions for declaration of the Eco-Sensitive Zone surrounding Tal Chappar Wildlife Sanctuary.

In the case of **Hemendra Puri Vs. The Jai Narayan Vyas University & Ors.**, right to compassionate appointment conferred under the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules 1996 was examined and relevant provisions were interpreted to hold that while designing a policy of compassionate appointment, the State can prescribe the terms on which it can be granted. However, it is not open to the State, while making the scheme or Rules, to lay down a condition which is inconsistent with Article 14 of the Constitution of India as the purpose of compassionate appointment is to prevent destitution and penury

in the family of a deceased employee.

In yet another important decision in the case of **Rakesh Vs. State & Ors.**, while dealing with right of prisoners to benefits of parole taking note of the pathetic state of affairs of granting first parole after imprisonment of 14 years, directions were issued to the various authorities to get prepared a computerized database of convicts lodged in the prisons all over the State of Rajasthan and also for installation of prominent signboards at the entries of all central jails in the State of Rajasthan displaying in Hindi the gist of Rule 10 of the Rajasthan Prisoners Release on Parole Rules, 2021. It was further observed that it shall be the duty of the Superintendent of Jail concerned to inform all eligible prisoners of their right to be considered for being released on parole as soon as their cause becomes ripe.

Dealing with the provisions contained with regard to grant of bail to the juveniles under the Scheme of Juvenile Justice (Care and Protection of Children) Act, 2015, in the case of **X Vs. State & Ors.**, it was held that there is no legislative mandate under the Act that the victim should be notified before hearing the bail application of a child in conflict with law, be it before the Juvenile Justice Board, Appellate Court or before the High Court exercising the revisional powers under Section 102 of the Juvenile Justice Act.

I have no hesitation in saying that Justice Mehta discharged his judicial and administrative functions which enhanced the image, reputation and prestige of the Rajasthan High Court in the eyes of the public. The High Court shall always remain grateful to him for the distinguished and outstanding services rendered by him.

After serving the Rajasthan Judiciary for about 12 years as a Judge, his elevation as Chief Justice of the Gauhati High Court is indeed well deserved considering his conscientious, diligent and untiring services he has rendered to his mother Institution and cause of justice. Justice Mehta has indeed brought pride, honour and glory to this Institution as he joins the distinguished gallery of those Judges of this High Court, who served in other High Courts of country as the Chief Justice. Emotions run high when occasion comes to bid farewell to an esteemed colleague, who has been with all of us in all ups and downs and stood by us and our family from the core of his heart, as brother and above all, as great human being. So, his departure from this Institution pains us. That however, stands minimised by the sense of pride and honour as brother Justice Mehta is going to assume higher responsibility as the Chief Justice of the Gauhati High Court and serve the cause of justice to the people in North-Eastern part of our country, after having successfully obeyed the divine command to serve his own people in the

native State of Rajasthan.

I also acknowledge the gracious presence of Madam Suman Mehta, a strong and intelligent personality in her own right and no doubt the pillar of strength behind brother Justice Mehta. Their elder son Shri Abhishek Mehta and daughter-in-law Smt. Akshiti Singhvi are also with us today.

I would end my speech by reciting a couplet of famous poet Waseem Barelvi:-

"जहाँ रहेगा वहीं रोशनी लुटाएगा
किसी चराग का अपना मकां नहीं होता।"

I, on behalf of my Brother & Sister Judges of the Rajasthan High Court and on my own behalf, pray the Almighty to shower his choicest blessings on brother Justice Mehta for a very successful and glorious tenure as Chief Justice of the Gauhati High Court coupled with good health, happiness and peace of mind.

Thank you all and Jai Hind.

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