

Reference Speech dated 18.07.2025 by Hon'ble Mr. Justice Sanjeev Prakash Sharma, Judge, Rajasthan High Court on the eve of transfer of Hon'ble Mr. Justice Manindra Mohan Shrivastava, Chief Justice, Rajasthan High Court to Madras High Court, Hon'ble Mr. Justice Shree Chandrashekhar to Bombay High Court and Hon'ble Mr. Justice Arun Monga to Delhi High Court.

1. Hon'ble the Chief Justice Shri Manindra Mohan Shrivastava
2. My Esteemed Brother Justice Shree Chandrashekhar
3. My Esteemed Brother Justice Arun Monga
4. My Esteemed Sister and Brother Judges at Jodhpur and Jaipur Bench,
5. Shri Rajendra Prasad,
Advocate General, Rajasthan
6. Shri Bhuwnesh Sharma
Chairman, Bar Council of Rajasthan
7. Shri Ratna Ram Tholia,
President, Rajasthan High Court Advocates Association, Jodhpur.
8. Shri Anand Purohit,
President, Rajasthan High Court Lawyers Association, Jodhpur.
9. Shri Mahendra Shandilaya,
President, Rajasthan High Court Bar Association, Jaipur
10. Shri Sandeep Luhadia

President, The Jaipur Bar Association, Jaipur

11. Learned Senior Advocates
12. Learned Members of the Bar.
13. Members of Judicial Service and Registry.
14. Respected Bhabhi Smt. Madhhu Shrivastava and dignified family members of Hon'ble the Chief Justice Mr. Justice Manindra Mohan Shrivastava, Hon'ble Mr. Justice Shree Chandrashekhar and Hon'ble Mr. Justice Arun Monga.
15. Ladies & Gentlemen.

As aptly said by **Cesar Pavese**, a renowned writer and poet "We do not remember days, we remember moments".

Today, we have assembled here to relish the moments together which will sink deep in memoire and bid a warm and affectionate farewell to Hon'ble the Chief Justice Mr. Manindra Mohan Shrivastava, who has been transferred and shall now adorn the seat of the Chief Justice of Madras High Court and Hon'ble Mr. Justice Shree Chandrashekhar and Hon'ble Mr. Justice Arun Monga, who have been transferred as Hon'ble Senior Judges of Bombay High Court & Delhi High Court respectively. While wishing adieu, it is also an occasion to share moments of gratitude, and say a few words in honor of their significant contributions in the administration of justice.

For: Hon'ble the Chief Justice Mr. Manindra Mohan Shrivastava

Education and learning formed the cornerstone of Hon'ble Chief Justice Shrivastava's illustrious career, born on 06-03-1964, in the family of intelligentsia. His Lordships's Father Late N.P Shrivastava was a Professor and a revered Academician. His Lordship completed his schooling in Bilaspur, thereafter he earned his Bachelor of Science degree from CMD College, Bilaspur. Pursuing his passion for law he graduated with distinguished academics with gold medal in LL.B from K R Law College, Bilaspur. Throughout his academic tenure, Justice Shrivastava demonstrated a keen interest in legal academia, serving as a member of the Board of Studies and Academic Council at Guru Ghasidas University, Bilaspur. Upon his enrollment with the Bar Council of Madhya Pradesh in Jabalpur on 05-10-1987, Justice Shrivastava embarked on a distinguished legal career that spanned several decades.

His Lordship hails from a family of Three generation Lawyers, which took roots since the time of Late Sh. D.P Shrivastava. His uncle Late Sh. DP Shrivastava was initially a professor of Law and also practiced Law. His Lordship's two Cousins Sh. Ravindra Shrivastava and Sh. Kishore Shrivastava are Designated Senior Advocates at Honble Supreme Court of India and Madhya

Pradesh High Court at, Jabalpur respectively. Sh. Ravindra Srivastava is one of the leading and outstanding Designated Senior Advocates of India. His Lordships's youngest brother Sh. Ashish Srivastava is a Designated Senior Advocate at Chattisgarh High Court, Bilaspur. His Nephews are also practicing Lawyers at Delhi High Court and Supreme Court of India.

His Lordship commenced his practice at the District Court in Raigarh, gradually ascending to practice law before the High Court of Madhya Pradesh and after the formation of Chhattisgarh in 2000, shifted his practice to the Chhattisgarh High Court. His legal acumen saw him being appointed as Standing Counsel for numerous prominent institutions including the Chattisgarh High Court, Income Tax Department, and public sector undertakings like Municipal Councils, Chhattisgarh State Electricity Board, and Universities etc. In recognition of his erudite legal acumen and standing at Bar, the High Court of Chattisgarh, designated him as Senior Advocate on 31.01.2005. His association with Rotary International reflects his inclination to serve needy section of Society. His caliber, skills, in-depth knowledge of law and intellectual aptitude, elevated him as **Judge of Chhattisgarh High Court on 10.12.2009**. While his Lordship was serving as Chairman, Chattisgarh State Judicial Academy, he was transferred as first puisne Judge and he took his oath on 18/10/2021.

During his tenure at Rajasthan High Court His Lordship was nominated as the Executive Chairman of the State Legal Services Authority and as the Administrative Judge of the High Court and then nominated as Acting Chief Justice. Thereafter, His Lordship was appointed as the **Chief Justice of Rajasthan High Court on 6th February 2024.**

At the time of His lordships transfer to Rajasthan, I met him at Jaipur, while I was also under transfer to Patna High Court, for a short span of about two months. I understand that we have amongst us, a true gem. As I know that Justice Srivastava, is a personality who has the charm of an artist, a smile which enchants everyone and deep knowledge of law along with seriousness towards his work, which one can see through his eyes. I know him to be a spiritual person with absolute faith in God, which I learnt in the short period when I was with him.

His Lordship is embodiment of impartiality, uprightness, judicial temperament and enjoying the ability to inspire confidence and respect amongst colleague and the public. I am told that during his tenure as Chief Justice and short span of time when he remained as Acting Chief Justice, he was able to steer this High Court to new horizons. During his tenure His Lordship focused on enhancing judicial efficiency, modernization of court procedures, and expansion of digital infrastructure not only in Judicial Functioning

but also in administrative functioning of the High Court. His Lordship acted as a mentor and guided the companion Judges, fostering a positive and productive working environment, which resulted in Positive Disposal to Institution Case Ratio. His Lordship manages resources efficiently and ensured the smooth and timely disposal of cases by adapting and embracing the new technologies and promoting access to justice for all which imbibe transparency and fairness throughout the state judiciary.

As said by famous Philosopher and a Nobel Laureate from France “**Zhon Paul Sarte**”- I quote “**your judgement judges you and defines you**”

I therefore take you to some of his celebrated Judgments which reflects his deep insight of law and acute sense of justice, embedded in his persona.

I may refer few of them:

In **Chairman, Rajasthan Housing Board Vs. Raju [DB SAW 1606/2017] Date of Judgment 30-04-2024**], His Lordship dealt with the Land Acquisition Act Section 24(2) taking cue from judgments of Supreme Court, His Lordship found that merely by refusing cash compensation and non-disclosure material facts leading to delay in consent would disentitle petitioner from Equitable relief. His Lordship invoked the principle, “He who comes to equity must come with clean hands”.

In State of Rajasthan Vs. Manish Chouhan [DB SAW 453/2023] Date of Judgment 09-02-

2024, His Lordship's quality of compassion was reflected when he held that a disabled candidate could not be ousted solely because he does not have a domicile status.

In **Lok Sampati Sangarsh Samiti Vs. State of Rajasthan [DB PIL 14635/2023] Date of Judgment 27-09-2024**, His Lordship dismissed a PIL which sought conversion of industrial land into a bio-diversity park; understanding oblique intentions of the litigant. He confirmed the law that land use must adhere to master-plan. Cost of Rs. 1,00,000/- was imposed as the PIL was not found to be bonafide. The judgment discouraged un-necessary and motivated PIL filed in courts, which in fact were of personal interest, instead of being in public interest.

In **Ratna @ Ratan Lal Vs. Board of Revenue [DB SAW 756/2022] Date of Judgment 25-10-2024**], his Lordship has allowed special appeals to be maintainable in the cases where a challenge is given to the orders passed by the Board of Revenue before the Single Bench of High Court. His Lordship confirmed the Principle of Judicial Review by way of intra-court appeal, as long as Supervisory Jurisdiction under Article.227 of the Constitution is invoked.

In **Ram Chandra Vs. Ramsahai [DB SAW 558/2021] Date of Judgment 02-03-2023**, His Lordship discouraged the practice of the Higher Courts like Board of Revenue, remanding the

matters to the lower courts without proper examination. In a way he has discouraged litigation to continue for years together, which goes a long way in finalization of cases.

In **Rahul Modi vs State [CWP 4134/2021]** **Date of Judgmet 11-08-2023**, His Lordship has interpreted provisions of Code of Criminal Procedure in a harmonious and synchronized way with the right of liberty as guaranteed under Article 21 of the Constitution of India. His Lordship held that right of statutory default bail is indefeasible and as such relief must be granted on the same day when an accused applies for it.

I had occasion to read several remarkable judgments and it leaves me astounded and amazed that a Judge can be so exceptionally good and skilled. Other Judges can definitely take cue from his method and manner of adjudication and administration of justice.

At the end I may also add my personal appreciation to the administrative skills and sound planning and organization, of 75th Platinum Jubilee Celebrations of establishment of Rajasthan High Court, by and under His Lordship's able guidance. The celebration was a grand success. And even at times, I have been taking the credit on his behalf for such momentous celebration, at other High Courts.

The Platinum Jubilee Celebration distinguish function, having Hon'ble Prime Minister, Vice President, Lok Sabha Speaker, Chief Justice of

India, and other distinguished guests and legal luminaries, also created history when all the retired Judges and all the Advocates having more than 50 years of practice were bestowed felicitation and shown gratitude by holding a separate Gala function both at Jodhpur and Jaipur.

I have also been told that His Lordship, during his tenure, recruited a number of judicial officers in the Rajasthan Judicial Service, and several of our brothers and sisters were adorned as Judges of this High Court during his tenure.

The contribution of Chief Justice is a milestone to remember, but his lordships vision for all round development of Judicial System and imparting justice in court as well on administrative facades is something which we all must remember and cherish for times to come.

I on my behalf and on behalf of Rajasthan High Court would like to convey my gratitude for the services rendered by his Lordship, and Pray to almighty for his Lordships future Journey for the new horizons.

Hon'ble Mr.Justice Shree Chandrashekhar

Born on 25th May, 1965, after schooling and obtaining the degree of law from Campus Law Centre, University of Delhi in 1993, Justice Shree Chandrashekhar joined the legal profession on 09.12.1993 when he was enrolled as an Advocate

with the Delhi State Bar Council. His Lordship started his practice at Delhi in both Criminal and Civil sides. In about 19 years of practice as an Advocate in different Courts, he conducted about 3500 cases, mostly in the Supreme Court of India. There are about 140 reported judgments of Supreme Court in which he appeared as a counsel. His Lordship was the Standing Counsel for All India Council for Technical Education and the State of Jharkhand in the Supreme Court. He represented the Bihar State Housing Board, Bihar State Pollution Control Board, Jharkhand State Electricity Board, Indian Council of Agricultural Research and various other Corporations/Institutes besides, being the retained counsel for private companies.

Justice Shree Chandrashekhar, had a flourishing practice at Delhi but he belongs to the state of Jharkhand; thus he was called by the then Chief Justice of Jharkhand, incidentally who was from Rajasthan, Hon'ble Justice Prakash Chand Tatia, to join the bench. I feel that it is a huge sacrifice for a leading lawyer to agree to join the bench; and in fact the bench has been credibly enriched after he became an additional Judge of the Jharkhand High Court on 17-01-2013. He was made permanent Judge on 27-06-2014. Thereafter he served as Acting Chief Justice of Jharkhand High Court till he was transferred to Rajasthan High Court as senior most Pusine Judge, on 05-07-2024.

Justice Shree Chandrashekhar, as we all know, is an eminent jurist, who needs no introduction. It is difficult to encompass in a few words his shining career. He is a fine human being and possesses a multi-talented and versatile personality known for his simplicity, compassion, courage, fairness and wisdom. He is blessed with the qualities to hear with patience; to answer with wisdom; to consider with diligence; and to decide impartially and with fairness. While setting the highest standards of judicial ethics and leading by example, he has made a mark and impressed every one by his ability, intellect and keen desire to do justice. He has always encouraged the junior members of the Bar. I am told that he always conducted the court proceedings in a cool and calm manner maintaining high decorum and discipline.

He has rendered many important judgments, vivid, clear and lucid which bear the stamp of his erudition, in-depth knowledge of law and brilliant analytical judicial mind. I may refer here few of his judgments:-

In **State of Rajasthan vs. Jagdish**, Justice Shree Chandrashekar dismissed the appeal by the State against the conviction of the respondent under Section 304 Part II and 324 of the IPC. His Lordship upheld the lower court's decision, noting the lack of premeditation and the applicability of Exception 4 to Section 300 IPC. He found the testimony of key witnesses credible and sufficient

for conviction, confirming to the principle that a single witness may suffice for conviction.

Further in the case of **Dalam Chand & Anr. vs. State of Rajasthan**, Justice Shree Chandrashekhar observed that the Employees though labelled as "contractual workers" performed the essential tasks typically associated with the sanctioned Posts and that too, on a daily and continuous basis over extensive periods. He held that the employees were entitled for regularization of their service and mere labelling of their employment "on contract basis" shall not deprive them of all the benefits under the Rajasthan Civil Services (Revised Pay Scales) Rules, 1998.

In the matter of Legal heirs of Nathu Lal Agrawal vs. State of Rajasthan DB SAW 184/2007 (23.09.2024)

This case pertains to the acquisition of land under the Land Acquisition Act, 1894, involving Shri Nathu Lal Agrawal and his legal heirs, who challenged the acquisition by the State of Rajasthan for the development of a Krishi Upaj Mandi Yard in Chittorgarh.

His Lordship while having quashed the land acquisition of Nathu Lal Agrawal's property by the State, ruling that the government violated due process under the Land Acquisition Act, 1894. The court allowed the appeal

In yet another verdict (**M/s. South West Mining Limited (SWML vs Rajasthan Electricity Regulatory Commission & Others)** [2025:RJ-JD:7036-DB])

This case involved a challenge under Section 94 of the electricity Act, 2003, which deals with the powers of the Appropriate commission similar to those of a civil court.

His Lordship, upheld the powers of the Electricity Regulatory Commission under Section 94 of the Electricity Act, 2003, confirming it can act like a civil court for summoning and evidence. The appeal was dismissed, and the Commission's actions were found legal and fair.

In the case of Birla Cement Works vs. State of Rajasthan DB SAW 685/2024 Date of Judgment 16-07-2024

Birla Cement Works challenged a penalty of ₹2.77 crores imposed for exceeding limestone production limits set by environmental clearance. The company argued that mineral rejects should be excluded from total production. However, the court ruled that under the Mineral Concession Rules, 2016, the definition of "run of mine" includes all excavated materials, including rejects. Relying upon the settled Judicial dicta that, An error of law which is apparent on the face of the record can be corrected by the writ Court but not an error of fact howsoever grave it may appear to be, except where a finding of fact has been

recorded by the inferior Tribunal by erroneously admitting inadmissible evidence or some admissible evidence has been improperly refused. His Lordship while dismissing the appeal, upheld the penalty, and confirmed that mineral rejects are part of total production

Besides judicial functions, his contribution as Administrative Judge and as Chairman of various Committees is also praiseworthy. He cherished his sense of duty and work. Because of virtues & qualities like fairness, humbleness, punctuality, intellectual acumen, he earned the respect of the Bench, Bar, Officers and staff of High Court Registry and District judiciary.

Justice Shree Chandrashekhar was appointed as Executive Chairman of the Rajasthan State Legal Services Authority on 27th January, 2025 and has championed the initiatives that strengthen access to justice for all, especially marginalized communities and weaker sections of the Society, aligning seamlessly with the Authority's mission.

His contribution to the Rajasthan Judiciary is highly commendable. He performed his functions in such a manner which enhanced the image and reputation of the Institution in the mind of public thereby increased the faith of people in the judicial system.

Justice Shree Chadrashekhar, has initiated several projects as Executive Chairman of

Rajasthan State legal Services Authority and his initiatives would be taken up further. I assure my brother that this institution shall carry forward his ideas for overall development of the Judiciary of Rajasthan.

Hon'ble Mr. Justice Arun Monga

Born on 21.12.1968, Justice Monga obtained school education in Punjab, where his father served as Judicial Officer, who later superannuated from Superior Judicial Services. Thereafter, he Graduated in Science from DAV College, Chandigarh with first division and was also awarded the College Color. He obtained the degree of law with first division from Punjab University, Chandigarh. While studying law, he also enjoyed teaching Chemistry in a School at Chandigarh. He started law practice in 1991 as first generation lawyer at High Court, Chandigarh. Thereafter, he shifted primary practice to Delhi in 1997-98, where he practiced for 20 years. Essentially, he had private sector institutional clients, punctuated with individual clientele. He handled litigation as well as advised on corporate transaction/non litigation. He enjoyed each day of law practice, in equal measure, be it board room or court room, representing clients. He travelled extensively in India and globally. His hobbies are trekking, reading, music, travelling, running and cycling. He is an avid sportsman of Golf and a

nature enthusiast.

During advocacy, he displayed great skills and intellectual sharpness, as a result whereof, he enjoyed high esteem and flourishing practice and in recognition of his aptitude and sound knowledge of law, he was appointed as the Judge of the Punjab and Haryana High Court on 29th October, 2018. Thereafter, he was transferred to Rajasthan High Court on 01.11.2023.

For a brief period of about six months, I was associated with Justice Monga at Punjab & Haryana High Court. He was known for disposing cases with quick pace and carried great respect amongst the Lawyers and Judges; the same continued in this court as well.

Justice Monga is an outstanding and versatile Judge apart from a good human being and visionary. He is a man of courage with impeccable character. He is an embodiment of compassion, humility, monumental patience and tolerance. I am told that No litigant went back from his court feeling unheard; Even the losing side went with satisfaction as his judgments contain detailed discussion and reasons on each and every aspect of the matter. I am aware that His behavior towards junior members of the Bar is excellent and encouraged them to work hard so as to achieve greater heights in the legal profession. He never allowed any indiscipline and maintained high decorum and traditions in the

Court.

Justice Monga, has authored numerous judgments on almost all subjects, which are equipped with reasoning and detailed consideration and provide testimony to the fact that he decides cases conceptualizing the law points involved with admirable brevity. I may refer here some of his important judgments:

In **Bharat Kumar vs Rajasthan Rajya Vidhyut Prasaran Nigam Limited and others**, Justice Arun Monga reflected his compassion towards those who were in financial distress. He held that if a family is in financial distress and the mother of the deceased government servant is unable, on account of illiteracy and health issues, the time limit for filing an application for compassionate appointment ought to be relaxed.

In **Vikas Kumar vs State of Rajasthan**, his concern towards the youth is unmistakably reflected. He holds that a juvenile who has suffered criminal prosecution ought to be rehabilitated in society and his previous record should be expunged in order to prevent 'youthful mistakes' from becoming lifelong barriers to personal and professional growth.

In **Shankar Lal vs State of Rajasthan**, Justice Monga held that an acquittal has to be read as it is, and the petitioner's status ought to be restored. Denying the appointment to the petitioner solely on account of an FIR, which ultimately results in acquittal, amounts to

punishing him. He held that it is against the principle of reintegration of that individual into society.

In a short span stretching a little over, one and a half years, he has decided lots of cases and has also been actively participating in the overall judicial administration. His advice and suggestions are found to be concrete and helped to a great extent to resolve complicated matters, **as I have been told by Hon'ble the Chief Justice.**

The High Court shall always remain grateful to him for the distinguished and outstanding services rendered by him; and now when he is going to Delhi; it would be a loss to this Court but an additional asset for the Delhi High Court. I wish him 'best of luck' for his future assignments.

Although I did not get a chance personally to share Bench with all the three stalwarts, who are leaving this Court; as it is said that—

"Going away is not a matter of how far you go, but how well you remember the place you come from."

Though Hon'ble the Chief Justice Srivastava, Justice Shree Chandrashekhar and Justice Monga would always remain friends, colleagues and we would always be reading their judgments as jurists and legal luminaries. In fact, this Institution would always feel their absence.

We assure that their distinguished careers will continue to shine and inspire the legal

fraternity.

I, on behalf of all the Hon'ble Judges of the Rajasthan High Court and on my behalf, wish their Lordships a very happy, prosperous, and glorious future and grand success in life; and at the same time, as a Rajasthani, I shall again ask them, ***“Padharo Mahro Desh”***.

THANK YOU.

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