

19.09.2022
S.L. Item No.1
PA(SS)

WPA(P) 478 of 2022

Sk. Saidullah
Vs.
Registrar General, Hon'ble High Court at Calcutta
and Another

Mr. Achinta Kr. Bannerjee,
Mr. Swapan Bannerjee,
Mr. Amit Das,
Mr. Suman Ghosh,
Mr. Tarun Chatterjee, Advocates
... for the petitioner

Mr. Ratnanko Banerji, Sr. Advocate
Mr. Arunabha Deb,
Mr. Soumabha Ghose,
Mr. Deepan Kumar Sarkar,
Ms. Ashika Daga,
Ms. Tiana Bhattacharya,
Ms. Deepti Priya, Advocates
... for the respondent No. 2

Mr. S.N. Mookherjee, Id. Advocate General

In this public interest petition the plea of the writ petitioner is that Bengali news channel "ABP Adanda" a unit of the respondent No. 2 is going to telecast/broadcast interview of one of the sitting Judge of this Hon'ble Court. The source of information is stated to be certain tweets of one Mr. Suman De. The prayer in the writ petition is to stop the telecast/broadcast of any interview of sitting Judge on any channel, website, web application or any other form of print, electronic or social media.

Submission of learned Counsel for the petitioner

is that such an interview is contrary to the Restatement of Values of Judicial Life filed as annexure 'P2' and the Bangalore Principles of Judicial Conduct, therefore, immediate restrain order should be issued to prohibit the respondent No. 2 to telecast any such interview.

Learned Advocate General has also submitted that nothing should be permitted which can affect the reputation of the institution and that primary concern is to protect the institution and in support of his submission he has place reliance upon the judgment of the Hon'ble Supreme Court in the matter of **Prashant Bhushan and Another, In Re** reported in **(2021) 3 SCC 160**.

Learned Counsel for the respondent No. 2 has submitted that that there is no cause of action to file the petition and that the petition is based on assumptions and presumptions and that the Hon'ble Judge is aware of his responsibilities. He submitted that if in such a petition any restrain order is passed that will affect the rights of the respondent No. 2 without any justification. Counsel for the respondent No. 2 has also submitted that the excerpts mentioned in paragraph 11 of the petition are not fully correct and quoted out of context.

We have heard learned Counsel for the parties and perused the record.

In the public interest petition though an

apprehension has been expressed that interview of one sitting Judge of this Hon'ble Court is going to be telecasted in the local channel of the respondent No. 2 but the writ petition does not disclose the name of that Hon'ble Judge except that the sheet enclosed with the petition mentioning 'Points of Law' contains name of one of the Hon'ble Judge of this Court. That apart, it is also noticed that there is no material on record to show that on what issue, if any, the Hon'ble Judge is going to speak.

So far as the reference to the Restatement of Values of Judicial Life adopted by Full Court Meeting of the Supreme Court of India on 7th May, 1997 is concerned, we have no doubt that it is within the knowledge of all the Hon'ble Judges of the Court. Therefore, we have full faith that Hon'ble Judge/Judges of this Court will have due regard to the same while making any statement at any occasion. Same is the position in respect of Bangalore Principles of Judicial Conduct.

We also expect that respondent No. 2, in the larger public interest, will not telecast or broadcast anything which may have adverse effect on the image of the judiciary.

The judgment in the matter of **Prashant Bhushan and Another, In Re (supra)** relied upon by learned

Advocate General, has been rendered on different issue in respect of the alleged derogatory tweet by a lawyer. Hence, the same has no application in this case.

Thus, we find that the petition is based upon mere apprehension with incomplete details. The petitioner has also failed to disclose his full credentials. Thus, no ground for granting the prayer in the writ petition is made out.

Hence, we dispose of the present petition reiterating the hope and expectation which we have already recorded in the earlier part of this order.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)