

**FULL COURT FAREWELL REFERENCE BY HON'BLE MRS. JUSTICE  
MEENAKSHI MADAN RAI, ON ELEVATION OF HON'BLE MR. JUSTICE  
J.K. MAHESHWARI, CHIEF JUSTICE, HIGH COURT OF SIKKIM,  
AS JUDGE OF THE HON'BLE SUPREME COURT OF INDIA,  
ON 28<sup>th</sup> AUGUST, 2021 AT 11.30 A.M.**

1. Hon'ble Shri Justice Jitendra Kumar Maheshwari, Chief Justice and Hon'ble Judge Designate, Hon'ble Supreme Court of India,
2. My brother Judge Hon'ble Shri Justice Bhaskar Raj Pradhan,
3. Hon'ble Shri Justice A.P. Subba, Chairman, Lokayukta, Sikkim and former Judge, High Courts of Sikkim and Gauhati,
4. Mrs. Uma Maheshwari, spouse of Hon'ble the Chief Justice;  
Mr. Roger Randeep Rai, Former Managing Director, Sikkim Industrial Development Corporation; and Mrs. Manasa Priyadarshana Pradhan,
5. Learned Additional Advocate Generals,
6. Learned Registrar General and Registrar of the High Court of Sikkim,
7. Mr. Prajwal Khatiwada, Learned District and Sessions Judge, East District and All Learned Judicial Officers of the East District,
8. Learned Senior Advocates and other Learned Members of the Bar,
9. All Office bearers of the Bar Association of Sikkim and High Court Bar Association,
10. Officers and Staff of the High Court Registry, Sikkim State Legal Services Authority and Sikkim Judicial Academy,
11. Mr. Manu Maheshwari and Mr. Ankur Maheshwari,
12. Members of the Print and Electronic Media,
13. Ladies and Gentlemen.

**1.** As we assemble here this morning, we are in the midst of History being created. We are all aware that the High Court of Judicature of Sikkim was established on 17<sup>th</sup> April, 1955 by a Proclamation, that is the High Court of Judicature (Jurisdiction and Powers) Proclamation, 1955, by the then Chogyal of Sikkim, Sir Tashi Namgyal. It has stood sentinel for sixty-six years, forty-six of which after Sikkim became part of the Indian Union, to the coming and going of several Chief Justices. All have been persons of capability and competence, but we have not had the privilege of having an Hon'ble Chief Justice or Judge of this High Court ever being elevated to the Hon'ble Supreme Court of India and adorning the Bench there. Thus, for the first time in the history of not only this High Court but in the history of Sikkim, the Chief Justice of this High Court, Hon'ble Shri Justice Jitendra Kumar Maheshwari, is being elevated to the Hon'ble Supreme Court of India.

**2.** His Lordship was elevated as the Additional Judge of the High Court of Madhya Pradesh on 25<sup>th</sup> November, 2005 and was made permanent Judge on 25<sup>th</sup> November, 2008. Till September, 2019, he was the Judge of Madhya Pradesh High Court and thereafter elevated as Chief Justice and transferred to the High Court of Andhra Pradesh on 7<sup>th</sup> October, 2019, where he continued till he was transferred and took oath as the Chief Justice of the Hon'ble High Court of Sikkim on 6<sup>th</sup> January, 2021.

**3.** Due to the COVID-19 Pandemic, this Court has not been able to hold physical hearings, and attempts to that end were made for a few days from 30<sup>th</sup> March, 2021 to 27<sup>th</sup> April, 2021. On lockdown being reimposed by the State on 27<sup>th</sup> April, 2021, we have been working Online since. We have, consequently, not had the privilege of having frequent interactions with His Lordship. Nevertheless, through the limited interactions, we have come to learn that he is an amiable personality, a thorough professional and a competent Judge.

**4.** It is evident that he was actively involved in the improvement of administration and judicial functioning of the High Courts that he has manned. In Madhya Pradesh High Court, as the first Puisne Judge, he was assigned responsibilities in various Committees such as;

- The Member, Administrative Committee No. 1 (Higher Judicial Service);
- Chairperson/Member, Building Committee for Building Construction and Maintenance;
- Chairperson/Member, Finance Committee,
- Chairperson, Juvenile Justice Committee, M.P. High Court for Monitoring the functioning of the Juvenile Justice issues in the State of Madhya Pradesh;
- Member of the Committee to recommend the names of Advocates for their designation as Senior Advocate;
- Member of Committee which was involved in comprehensive studies and analysis on the Courts of Madhya Pradesh, Past and Present;

- And Various other assignments, as assigned by Hon'ble Chief Justice of Madhya Pradesh High Court.
- His Lordship was also nominated Member of Academic Council, National Law Institute University, Bhopal.

**5.** In the newly established High Court of Andhra Pradesh, His Lordship was instrumental in having identified land and completing construction of the Chief Justice's Bungalow, Vijaywada, Andhra Pradesh.

**6.** He also took steps for establishment of the Gram Nyayalayas in the State and framed Rules thereof. He was actively involved in the constitution of several Sub Committees in that High Court, to streamline its working which included Sub-Committees for preparation of Draft Rules for retired Judges, for the High Court Staff as well as staff of the Trial Courts.

**7.** Noticeably, Gender Sensitization Rules were prepared by the Sub-Committee constituted for the purpose, as also Guidelines for dealing with complaints against Judicial Officers of the State. Necessary steps were taken by him for recruitment of the High Court Staff and the Staff in the Subordinate Courts due to bifurcation and establishment of the new High Court of Andhra Pradesh.

**8.** Since the High Court of Andhra Pradesh, as already stated, was at its nascent stage, steps were taken for establishment of the Judicial Academy, e-filing module was developed and mobile internet was adopted for users with slow internet speed to upload the data to the National Judicial Data Grid. In the midst of the Pandemic, safety

measures were taken to ensure the well-being of stakeholders and safety of the High Court, to deal with the Covid-19 situation.

**9.** His Lordship has also passed Judgments of importance on the point of Limitation during the Covid-19 Pandemic in the High Court of Andhra Pradesh, reported in 2020 (2) Andhra Law Times 493, Arbitration and Conciliation; the Hindu Marriage Act, interpretation of Statutes and a plethora of other legal issues and provisions.

**10.** During His Lordship's tenure here, we have identified land for construction of the High Court as we are now in cramped quarters and require bigger and better infrastructure for the Judges as well as the Officers and Staff. Despite the unrelenting monsoon rains, on his insistence, we scouted for land and were successful in locating one for construction of a more spacious High Court with required infrastructure. A few days ago, while Notification for His Lordship's elevation was being uploaded by the Ministry of Law and Justice on its Web Portal, he was out in the rain looking for land for the establishment of a National Law University in Sikkim. His efforts are aimed at the betterment of the judicial infrastructure in Sikkim and also for the betterment for legal education in Sikkim, more especially, to enable the imparting of quality legal education to children who opt to study Law.

**11.** Although His Lordship was the Patron-in-Chief of the Sikkim State Legal Services Authority, he has allowed me a free hand as the Executive Chairperson, to continue my workings in the Sikkim State Legal Services Authority with no interference whatsoever and

has been appreciative of the works that have been done by the Sikkim State Legal Services Authority.

**12.** After sixteen years of service in the Judiciary as Judge and thereafter Chief Justice of various High Courts, his elevation to the Hon'ble Supreme Court is indeed well deserved considering his conscientious and diligent work in the High Courts that he adorned.

**13.** I conclude my address with the promise that God has given in the Bible, for protection of Your Lordship. This is taken from the Book of Isaiah, Chapter 43 Verse 2;

***"When you pass through the waters,***

***I will be with you;***

***And when you pass through the rivers,***

***They will not sweep over you.***

***When you walk through the fire,***

***you will not be burned;***

***the flames will not set you ablaze."***

**14.** In keeping with those blessings, we wish you success in all your future endeavours, coupled with good health, happiness and peace of mind.