

Farewell speech by Mr. Justice Jitendra Kumar Maheshwari, Chief Justice, Sikkim High Court on his elevation to Hon'ble Supreme Court of India.

It is well said by Joseph Story, Judge, U.S. Supreme Court that: ***“Without justice being freely, fully, and impartially administered, neither our persons, nor our rights, nor our property, can be protected. And if these, or either of them, are regulated by no certain laws, and are subject to no certain principles, and are held by no certain tenure, and are redressed, when violated, by no certain remedies, society fails of all its value; and men may as well return to a state of savage and barbarous independence.”***

- My esteemed sister & brother Judges on the bench.
- Justice A.P. Subba, Lokayukta, State of Sikkim.
- Ld. Additional Advocate Generals.
- Presidents – Sikkim High Court Bar Association and Bar Association of Sikkim and office bearer of their respective bar associations.
- Ld. Senior Advocates and Members of the Bar.
- Respected Mrs. Maheshwari, Mr. Rai, Mrs. Pradhan, my family members and guests.
- Ld. Registrar General & Registrar of this High Court.
- Legal Remembrancer-cum-Secretary, Law Department, Government of Sikkim.
- Member Secretary, State Legal Services Authority and staff.
- Director, Judicial Academy and staff.

- Assistant Solicitor General of the State.
- Ld. Judicial Officers.
- Officers and Staff of the Registry.
- Members of Press and Electronic Media.
- Ladies & Gentlemen who have joined this function.

I am here before you today humble and in awe that so many of you considered my farewell ceremony on my elevation, worthy of your time.

I am deeply touched and overwhelmed by the kind words that you have all expressed today for me, and think whether I deserve for; albeit, I convey my gratitude to all of you.

Prior to joining as Chief Justice of High Court of Sikkim and on tracing the establishment of the High Court, it was found that on 17th April, 1955, this prestigious High Court of Sikkim was established by proclamation in the name of High Court of Judicature (Jurisdiction and Powers) Proclamation, 1955 proclaimed by the then Maharaja of Sikkim who was known as “Chogyal”. On merger with the Indian Union by virtue of 36th Constitutional Amendment Act, Sikkim was made as 22nd State under Article 371 (F) of the Constitution of India in 1975. The High Court of

Judicature becomes the High Court of Sikkim with effect from 26th April, 1975.

On assuming the Office of the Chief Justice on 6th January, 2021, till now though my tenure was short but is full of satisfaction and I am feeling proud and privileged to have presided over the High Court of Sikkim, being the custodian of Judiciary of the State, which has paramount importance with glorious history of its own & the goal oriented approach. It is only the Judiciary that can firmly stand for constitutional morality. Fortunately, High Court of Sikkim has great traditions and playing vital role in discharge of its duties and responsibilities with dedication.

It is my firm belief that the legal system can only work with the cooperation of the Bar and the Bench and dedicated staff. We are proud to be a part of most reputed and responsible institution like High Court. In the said context, it is my experience here, Hon'ble Judges are courteous and compose. My journey being Chief Justice of this Court is incomplete without acknowledging the valuable co-operation and support of them. They gave me the support & suggestions to fulfill my duties both on Judicial & Administrative side.

The greatest strength of the Judiciary is the faith of the people on Justice Delivery System. It is said that:

“The dead cannot cry out for Justice, it is a duty of the living to do so for them”

In discharge of the duties, I found members of judicial fraternity are well known for its impartiality and independence. The independence of Judiciary is paramount to maintain Rule of Law and to those who knock the door of justice. A strong Judiciary is one of the estates of democracy having great bearing on the lives of people.

Senior lawyers are known to build the Legal fraternity and are essential for effective dispensation of Justice. At the same time, Junior Lawyers are seekers but their role is of immense significance for upliftment of Justice Delivery System. While communicating my respect to senior members, I expect their genuine support to develop the institution and to bring it up on a high pedestal being torchbearer of the fraternity. Therefore, being pioneers they have to play a great role to inspire the budding lawyers.

On this occasion, I want to have some suggestions to the young advocates.

“Hard labour only is the key to success.”

“There is no short cut in life, so please work hard with devotion.”

“Your work must start from commitment with diligence to acquire excellence.”

In this journey to build the legal fraternity, the advocates be it senior or junior must follow the ethics, moral values, time management and technological advancement. Looking to the present experience gained by all of us on account of surge of Covid-19 pandemic, the technology became tool in dispensation of justice. So, it is my earnest suggestion that the juniors must pay respect to senior members of the Bar and seniors ought to have accept the juniors as member of their family and to work in one tandem to achieve the excellence in profession with ethical standards.

For moral of Advocates Hon’ble The Apex Court said:

“The high moral tone and the considerable public service the Bar is associated with and its key role in the developmental and dispute processing activities and above all in the building up of a just society & constitutional order has earned for it a monopoly to practice law and an autonomy to regulate its own internal discipline.”

So I request to follow it by all the members.

It is also my duty to have some suggestions to the Judicial Officers. The Apex Court in the judgment of **Bar Council of Maharashtra Vs M.V. Dabholkar, AIR 1976 SC 242**, have specified the role and qualities of the Judicial Officers.

Judicial Officers are in fact the flag bearers of the legal profession. The sincerity towards their profession irrespective of the pressures sets the bench mark for the future which enables to repose trust and faith in the Judiciary. The duty of a Judge is to impart Justice fairly and with utmost sincerity and honesty. Indian Constitution provides for an independent Judiciary. Judicial Officers are one of the strongest pillars of Justice Delivery System. They must have the quality of patience, understanding and courtesy. Judicial Officers should discharge their duties with honesty and have to uphold the Constitutional values for effective dispensation of Justice.

In addition the noble soul, Late Shri A.P.J. Abdul Kalam, former President of India, advised to the Judges in his words as thus:

“The profession of a Judge is very noble and divine and the Members of Judiciary therefore become

inviolable role models, the prefect incorruptible ideals of a civilized society”.

I also wish to give some advice to the staff of the court, to work with integrity, devotion and by use of technology to ascertain the functioning of the Courts. Their efficient functioning shall make them different from others. So, please make a mark, thereby your functioning may be recognized in dispensation of Justice, enhancing Justice Delivery System.

Now, it is time to give my sincere thanks to all of them who have supported me directly or by their indirect gesture, even on my short comings. I believe in a super power governing all mankind and its actions. Whenever I was in cross roads, I had left the decision on that super power- for He knows best, what is best bestowed. It was the super power which brought me here. You have received me with greatest affection and love. You never made me feel as an “outsider”, I and my family made to feel one among you. That is magnanimous and generous on your part, something which I will never ever forget.

In the last about eight months of my working here, I received unprecedented support from my esteemed colleagues. I had precious assistance and support from the

Registrar General and Registrar of this Court in discharge of both Judicial and Administrative duties. It would not be possible for me to mention each and every Officer and Staff of this Registry by name but I am grateful to every single person for giving me their constant support and assistance.

I would like to extend my humble gratitude to all the Protocol staff who were available to serve me and my guests coming from different corners. Similarly, I am also thankful to Doctors and health worker for taking care of my health.

I would be failing in my duties if I do not accept the valuable service given to me by my personal staff attached to my office and residence. I am also thankful to State of Sikkim for proving excellent support and security to me throughout my tenure.

I tried to keep calmness while discharging all my duties. If at all at any point of time I was harsh and pained anybody, it was only in the interest of the Institution and also for dispensation of justice, but not otherwise. Suppose I offended anybody at any point of time during my tenure, please forgive me since it is unintentional.

I cannot forget to acknowledge the unconditional support given by my wife and family members who were

always there to support me even in my difficult time. My family members and I take back sweet memories during the period of stay here and feel blessed by the love and affections showered on us by Nature and environment.

I am leaving this institution with a wealth of knowledge which will always be treasure to me.

It is well said by Ernie Harwell that: ***“It’s time to say goodbye, but I think goodbyes are sad and I’d much rather say hello. Hello to a new adventure.”***

How we have to work in future may reflect from couplet

हाथ थामना जरूरी है
 फर्क नहीं पड़ता कि आगे तुम चलो या मैं
 साथ होना जरूरी है
 फर्क नहीं पड़ता कि तुम संभालो या मैं ।

I wish all of you to do the best in their future endeavor. May the blessings of Almighty be showered upon all of us.

I would like to quote the famous line of Liza Minnelli:

“Dream on it. Let your mind take you to places you would like to go, and then think about it and plan it and celebrate the possibilities. And don’t listen to anyone who doesn’t know how to dream”.

Thank you very much to all.

Jai Hind
