

FAREWELL SPEECH ON THE RETIREMENT OF
HON'BLE MR. JUSTICE V.K. JAIN DELIVERED ON
13.05.2014

G. ROHINI
CHIEF JUSTICE

Justice V.K. Jain,

My esteemed brother and sister colleagues,

Shri Rajeev Khosla, President, Delhi High Court Bar Association,

Shri Rajeeve Mehra, Additional Solicitor General,

Shri Sidharth Luthra, Additional Solicitor General,

Shri Ram Singh Chauhan, Chairman, Bar Council of Delhi,

Shri Murari Tiwari, Hony. Secretary, Bar Council of Delhi,

Shri Jatan Singh, Vice-President, Delhi High Court Bar Association,

Shri Abhijat, Hony. Secretary, Delhi High Court Bar Association,

Ms. Zubeda Begum, Standing Counsel (Civil), Govt. of NCT of Delhi

Shri Salim Ahmed, Standing Counsel (Criminal), Govt. of NCT of Delhi

Other Standing Counsel of the Central and State Government,

Executive Members of the Delhi High Court Bar Association,

Office-bearers of other District Bar Associations,

Senior Advocates,

Members of the Bar,

District & Sessions Judges,

Law Secretary,

Family members of Justice Jain, and

Ladies and gentlemen.

One of our dear colleagues Justice V.K. Jain is demitting office today after extraordinary service to this High Court for 5 years. In less than a month, this is the second time we are assembling here to bid farewell to another beloved Judge of this Court.

Though I have had limited interaction with Justice Jain, I have observed that he is an extremely gifted person and is somebody who copes very well in any kind of situation.

During his five years in the High Court and otherwise in his career as a judge, Justice Jain has distinguished himself as an extraordinary judge. He started on this path by topping the Judicial Services Exam in 1977. Since then he has distinguished himself in various positions as a judge, and worked as an Additional District and Sessions Judge, Designated Judge under TADA Act and also as a Special Judge (CBI).

As a judge, deciding a case is never easy. Law being extremely subjective a judge has to take all the social realities into account and decide with compassion. At the same time he cannot let go of the provisions of the law.

This fine line is something which cannot be forgotten and Justice Jain has time and again proved his understanding of this principle and proven himself more than capable of delivering a judgment grounded in justified legal principles while yet not leaving out the compassionate facet of his personality.

In the course of his judicial career so far, Justice Jain has delivered numerous landmark judgments and decisions in many areas of law. In *Mrs. Savita Bhanot vs. Lt. Col. V.D. Bhanot*, {2010 (168) DLT 68}, Justice Jain held that there can be no reasonable classification based upon intelligible differentia between the woman subjected to domestic violence and living with her husband on the date of coming into force of the Domestic Violence Act or subjected to domestic violence after coming into force of the Act on the one hand and the women who were living with their husbands or were subjected to domestic violence prior to coming into force of the Act on the other hand. This judgment was later upheld by the supreme court in *V.D. Bhanot vs. Savita Bhanot* (2013) 3 SCC 183.

In Smt. Rajput and Anr. Vs. Guru Gobind Singh Indraprastha University and Ors., Justice Jain held that 50% of the total seats for PG medical Course available in I.P. University under the State quota have to be filled up purely on the basis of the ranks obtained by the candidates irrespective of whether they passed their qualifying examination from Delhi University or from I.P. University and the aforesaid direction would apply to reserved as well as unreserved seats.

In another case in Jyoti Rani vs Guru Gobind Singh Indraprastha University and Another, Justice Jain held that If a candidate seeking admission to an educational institution, who belongs to a Scheduled Caste notified in State A migrates to State B where the caste to which he belongs has been notified as Scheduled Caste with the same nomenclature, he is entitled to reservation benefit provided to the said caste in State B.

He further held that if such a candidate is permanently residing in Delhi, he would be entitled to such a benefit even if his ancestors had migrated to Delhi from another State provided that they had migrated to Delhi with no intention to return back to the State from which they had migrated.

In *Samta Andolan Samiti and Anr. Vs Union of India and Ors.*, Justice Jain, sitting with the then Chief Justice held, *inter alia*, that the political parties are not State within the meaning of Article 12 of the Constitution or authority within the meaning of Article 226 of the Constitution and such parties neither perform any sovereign functions nor discharge any public duties while issuing whips to their members.

In *All India Confederation of Blind vs Union of India and Another*, Justice Jain directed DDA and the Delhi Govt. to frame, within three months, appropriate schemes for the preferential land at concessional rates to the persons with disabilities, for the purpose of setting up special recreation centers and establishment of special schools and special centres and factories.

It is clear from the judgments of Justice Jain that he is not only cognizant of the social realities of the world we live in but also is extremely gifted in the application of law, both in letter and in spirit.

It would not be out of place to mention that Justice Jain has been an active Member of the Computer Committee of Delhi High Court from 27.03.2010 till date and has rendered valuable contribution in resolving issues relating to computerization and digitization of old records, which not only provided valuable vacant space but also improved the working conditions in the High Court.

I thank Justice Jain for his distinguished service as a Judge of this court, which has left a huge impression on all those who interacted with him, during his tenure as a judge of this High Court, and also thank him for his amazing work ethic and his dedication to dispense justice. This Court will always remember the remarkable and quietly efficient way in which Justice Jain has discharged his duties as a judge and his contributions to this court.

I on my behalf and on behalf of my brother and sister colleagues thank Justice Jain for his illustrious service as a judge of this court and wish him all the luck in any and all of his future endeavours.

Thank you.