

Badariah to know on Friday

Wednesday, 19 September 2007 08:27AM

- Friday decision
on Malaysian Bar's case
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KUALA LUMPUR: The High Court will decide on Friday whether to let the Federal Court determine if Dr Badariah Sahamid, who has never been a practising lawyer, qualifies to serve as a judicial commissioner.

Justice Wan Afrah Ibrahim reserved judgment yesterday after hearing arguments by senior federal counsel Azizah Nawawi and counsel for Malaysian Bar, Robert Lazar.

The Government made the application to refer the matter to the apex court on grounds that it involved the interpretation of certain articles of the Federal Constitution.

It wants the Federal Court to determine if a person appointed as a judicial commissioner must be in active legal practice for 10 years before the appointment.

The application was made in response to the Bar's suit against the Government over the appointment of Dr Badariah, a former law lecturer and dean of a university's law faculty.

The Bar, in its originating summons filed on July 27, is seeking to declare the appointment of Dr Badariah as null and void and of no effect on the grounds that her appointment had contravened Article 122AB read together with Article 123 of the Constitution.

In a supporting affidavit, Bar president Ambiga Sreenevasan said the Bar Council believed the appointment had infringed the said articles of the Constitution as Dr Badariah had not been in practice for 10 years preceding her appointment.

Dr Badariah, a former dean of Universiti Malaya's law faculty, was appointed judicial commissioner on March 1.

She was called to the Bar in 1987 and was a member of the professional qualifying board.

She is currently with the commercial division of the High Court here.

Apart from the Bar's suit, two taxi drivers have also named Dr Badariah Sahamid and KL Teksi Radio Bhd as defendants in their application for leave for a judicial review to quash an order she made in her capacity as judicial commissioner.

The taxi company's counsel Cheong Sek Kwan and senior federal counsel Azizah appeared before Justice Wan Afrah in chambers together with counsel T. Gunaseelan, who acted for the taxi drivers.

The judge fixed Nov 19 to decide whether to grant the leave to the taxi drivers.

KL Teksi Radio had on Sept 7 filed an application to strike out the action but no date has yet been fixed to hear the matter.