

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.149 of 2007

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1. Kumar Shashi Shekhar Sinha, Advocate, son of Sri Sushil Pd. Sinha (Advocate),
r/M Chitragupta Colony, PS Jamui, District Jamui
 2. Niranjana Kumar (Advocate) son of Sri Tapeswari Pd. Maltiyar, r/M Vikash
Colony, PS Jamui District Jamui
 3. Sunil Kumar Sinha (Advocate) son of late Kartik Prasad, r/V Khaira, PS Khaira,
District Jamui
 4. Lakhan Bhagat (Advocate) son of Puna Bhagat, r/v Nardih, PS Jamui, Distt.
Jamui
 5. Chanchal Kumar Dubey (Advocate) son of Radhey Shyam Dubey, r/M
Chitragupta Colony, PS Jamui, District Jamui
 6. Bajrangi Singh (Advocate) son of Sri Sarju Prasad Singh, r/V Khaira, PS
Khaira, District Jamui
- All practicing at Civil Court, Jamui, District Jamui

.... Petitioners

Versus

1. The Bihar State Bar Council through its Secretary, Bar Council Bhawan, Patna
2. The Bar Council of India through its Secretary, New Delhi

.... Respondents

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Appearance :

For the Petitioner/s : M/s Uma Shankar and Satya Ranjan Sinha
Advocates

For Respondent No.1 : Mr. Vindya Keshari Singh, Sr. Advocate
Mr. Gyan Prakash Ojha, Advocate

For Respondent No. 2 : Mr. Vishwajeet Kumar Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-01-2015



The petitioners are advocates practising in various courts in the State of Bihar. They feel aggrieved by the amendment to the Model Rules, framed by the Bihar State Bar Council (hereinafter referred to as the 1st respondent) in so far as it inserted Rule 13(A) to the said Rules. Through the said amendment, eligibility criteria for advocates, to contest the election for the office of President, Vice-President and office bearers to various Associations have been stipulated. The petitioners contend that Rule 13(A) disables quite a large number of advocates from contesting the office of the Association and the said rule is contrary to the Model Rules framed by the Bar Council of India.

On behalf of the 1st respondent detailed counter affidavit has been filed. It is stated that the amendment was carried out to prevent the advocates without experience from contesting for the offices of President and Vice-President of the Association. According to them, it is only the experienced advocates who can properly discharge the functions of the President, Vice-President of the Associations of the advocates.

The petitioners filed reply to the counter affidavit stating, inter alia, that the Bar Council of Bihar itself has modified Rule 13(A) through resolution dated 14.1.2012 relaxing the age limits, to a large extent.

Heard learned counsel for the petitioners and learned counsel for the respondents at length.

The grievance of the petitioners was about the stipulation of age limits for candidates who intend to contest for the office of President, Vice-President of Bar Association or members of the committees thereof. Through the amendment, the standing of 25 years for the President and Vice-President was stipulated. The

standing is slightly lowered, for the other office-bearers.

The necessity for us to deal with validity of the Rule in detail, is obviated on account of the fact that during the pendency of the writ petition, the 1st respondent itself has further amended the Rule 13(A) through its resolution dated 14.1.2012. The copy of the resolution placed before us, is not clear. While according to the petitioners, Rule 13(A) has been substantially amended in respect of all Associations, learned counsel for the 1st respondent submits that it is only with respect to the Association of Sub Divisions. We do not intend to enter into that controversy. Once the 1st respondent has passed the resolution on 14.1.2012, the subject matter stands governed by that. The petitioners did not challenge any portion thereof.

We therefore dispose of the writ petition directing that eligibility criteria for contesting to the various offices of the Managing Committees of the Bar Association in the State of Bihar shall be governed by the resolution dated 14.1.2007, and other relevant provisions of law.

Interim order dated 7.11.2014 shall stand withdrawn.

Interlocutory Application, if any, shall stand disposed of.

(L. Narasimha Reddy,CJ)

(I. A. Ansari, J)

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