

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2932 of 2015 (O&M)

Date of Decision.24.02.2015

Varinder Kumar Sharma and others

.....Petitioners

Versus

The Bar Council of Punjab and Haryana and others

.....Respondents

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Ajaivir Singh, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The petitioners will have appropriate remedy through properly instituted civil suit through a Court to enforce a right of what is purely statutory. If the Bar Association denies to the petitioners a right to vote which is so fundamental for a member and the member of a Tax Bar Association is not in any way treated as a member of the Bar Council directly except through the Bar Association which is recognized by the Bar Council then the denial of the right to vote is a serious infraction and the petitioners will have appropriate remedy to seek a redressal in a Civil Court of jurisdiction by reference to the declaratory rights which are available under the Specific Relief Act.
2. The writ petition is disposed of to avail to the petitioners the benefit of such a recourse, for, I do not think it will be appropriate to invoke the jurisdiction under Article 226 of the Constitution for rights

which are alleged to be denied by a Bar Association which is neither a State nor its instrumentality.

3. The writ petition is disposed of with the above directions.

(K. KANNAN)
JUDGE

February 24, 2015
Pankaj*