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***Naginder Singh Gora***

***Vs.***

***Bar Council of Punjab and Haryana and  
others***

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Present: Mr.Chanchal Kumar Singla, Advocate,  
for the petitioner..

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This petition is filed for seeking a direction to respondents No.1 and 2 to debar respondent No.3 from contesting election for the post of President, District Bar Association, Ludhiana after submitting his nomination papers on 14.12.2016 as it is in violation of the provisions of the Advocates Act, 1961 [for short ‘the Act’] and Bar Association (Constitution and Registration) Rules, 2015 [for short ‘the Rules’].

Shorn of unnecessary details, the cause shown by the petitioner is that respondent No.3 is a member of the Bar Association of Punjab and Haryana High Court. He had given his affidavit on 28.4.2016 in the elections which were held on 12.5.2016, and had casted his vote for electing the Executive Committee of the Bar Association of Punjab and Haryana High Court for the session 2016-17. The grievance of the petitioner is that once respondent No.3 is a member/voter of the Bar Association of Punjab and Haryana High Court, he cannot be a voter of the District Bar Association, Ludhiana, as per Rule 6 of the Rules.

Learned counsel for the petitioner has submitted that the Bar Council of Punjab and Haryana has not played its role fairly as the representation made by the petitioner in this regard has not been objectively

considered and decided in terms of Rule 11 of the Rules. He has referred to the representation attached with the petition as Annexure P-7 and order dated 17.12.2016 (Annexure P-8) passed by the Chairman of the Bar Council of Punjab and Haryana High Court on his representation.

I have heard learned counsel for the petitioner and after examining the available record, am of the considered opinion that the petitioner has not made the representation in terms of the provisions of the Rules, therefore, the question of action having not been taken by the Bar Council of Punjab and Haryana in view of Rule 11 of the Rules does not arise. At this stage, learned counsel for the petitioner has thus, prayed that he may be given one more opportunity to make a representation to the Bar Council of Punjab and Haryana and in case it is filed today, the Bar Council of Punjab and Haryana may be ordered to decide the same by tomorrow. The prayer made by the petitioner is considered, in the given facts and circumstances and the writ petition is hereby disposed of with liberty to the petitioner to file a comprehensive representation to the Chairman of the Bar Council of Punjab and Haryana today and in case it is received today in the office of Bar Council of Punjab and Haryana, the same shall be decided by it by tomorrow after associating the petitioner as well as respondent No.3, who may be effected by the order passed by the Bar Council of Punjab and Haryana.

A copy of this order be given to counsel for the petitioner under the signature of Special Secretary of this Court.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**21.12.2016**

*Vivek*